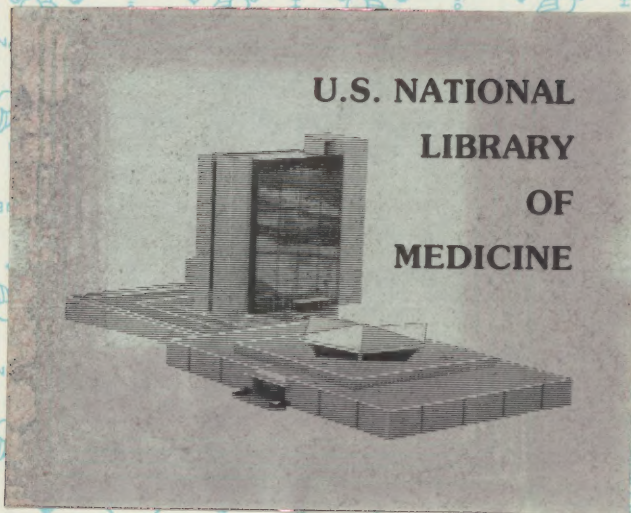


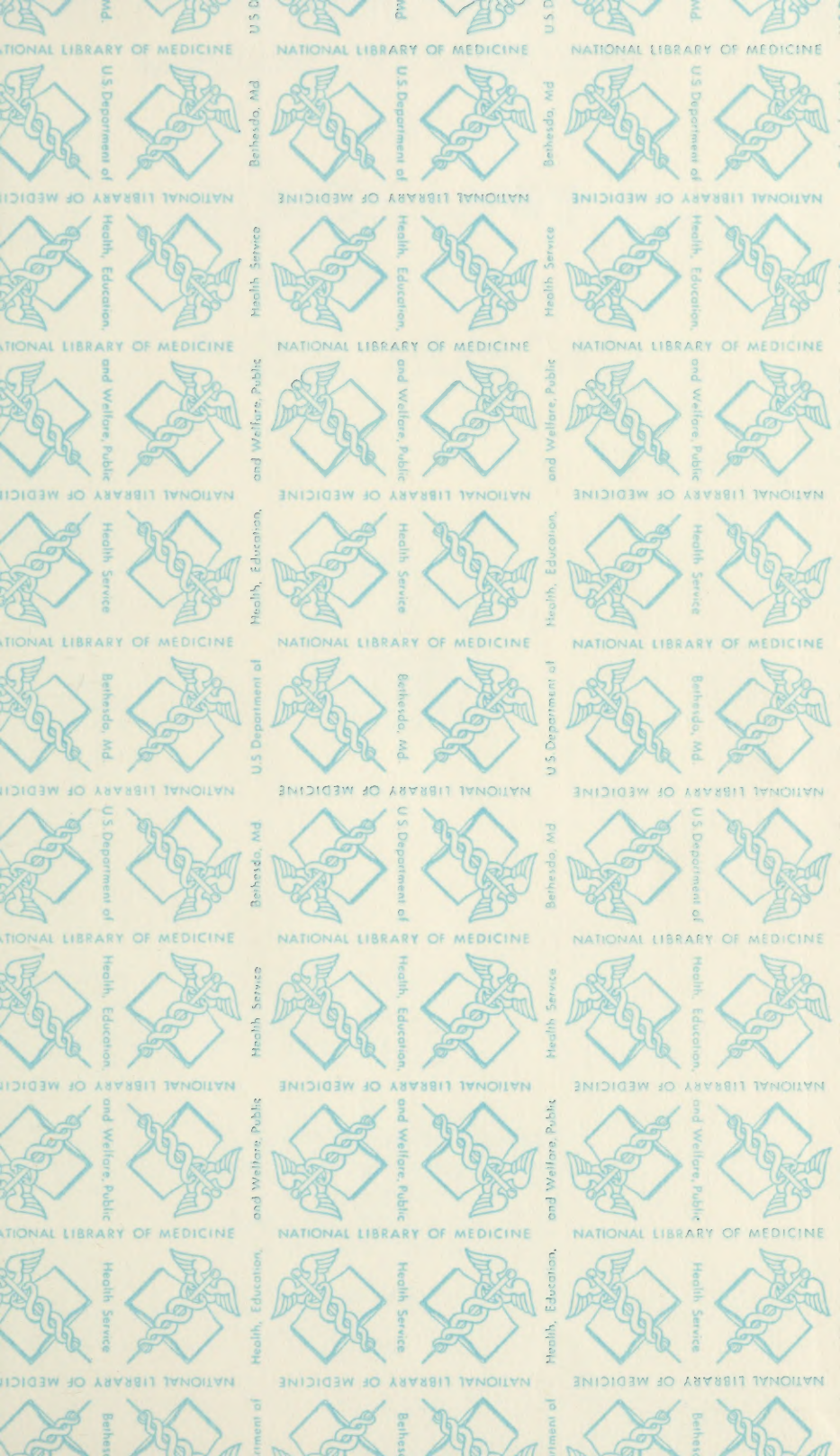
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GENERAL INFORMATION

AND

ILLINOIS LAWS

RELATING TO THE

PUBLIC HEALTH



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1940

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NOTE

Since the last compilation of the Public Health Laws of Illinois in 1917, many significant changes have been made that are of special interest and importance. The increased powers and activities of a director and of a personnel more than tripled in number, the wider range of laws, the addition or expansion of various divisions in the Health Department, and the cooperative programs of the U. S. Public Health Service—all these have increased the interest in and importance of existing laws.

The present compilation consists of most of those laws which have a direct bearing upon and are enforced through the Department of Public Health of Illinois, and of various laws which have a general relation to the public health of this State, but which may be enforced through some other State agency or local officer.

The Department of Public Health naturally is interested in the nature and scope of all these laws, as well as in their proper observance and enforcement. However, the reader may seek in vain in this compilation for certain laws and regulations pertaining to health, due to the fact that various other departments of the State may be specifically authorized to deal with certain health problems. Upon failure to find any reference to such laws, the reader is advised to refer their problems to these other departments. Along this line, for example, the following State departments are concerned officially with the indicated subjects of health, hygiene and sanitation:

DEPARTMENT OF REGISTRATION AND EDUCATION:

1. Beauty Schools and Beauty Culture.
2. The Medical Practice Act. (Including Osteopathy, Chiropractic, Spiritual Healing, etc.)
3. The Narcotic Drugs Act.
4. Barber Schools and Shops.
5. The Fireworks Regulation Act.
6. The Optometry Law.
7. The Chiropody Law.
8. The Pharmacy Law.
9. The Veterinary Practice Law.
10. The Dental Practice Act.
11. The Licensing of Midwives, Nurses, Embalmers, Plumbers, etc.

DEPARTMENT OF LABOR:

1. Occupational Diseases.
2. Industrial Hygiene.
3. Health and Safety Rules.

4. Laws Relating to Employment.
5. Child Labor Laws.
6. Housing and Factories.
7. Industrial Home Work and many others.

DEPARTMENT OF PUBLIC WELFARE :

1. State Institutions and Charity.
2. Handicapped Children.
3. Mental Hygiene.
4. Certain Phases of Social Security Laws.
5. Trachoma Control.
6. Old Age Assistance.
7. Visitation of Adult Blind.
8. Child Welfare.
9. Veterans' Service and others.

DEPARTMENT OF AGRICULTURE :

1. Food and Dairy Control.
2. Certain Rural Nuisances.
3. Diseased Animals.
4. Food Control on State Property.
5. Division of Markets.
6. Division of Standards.
7. Plants, Poultry, Bees, etc.
8. Rabies in Dogs.
9. Dish Washing Regulation in Public Eating Places.

DEPARTMENT OF CONSERVATION :

1. Wild Animals, Birds, Snakes, etc.
2. Poluted Streams.

DEPARTMENT OF INSURANCE :

1. Fire Prevention.

DEPARTMENT OF PUBLIC INSTRUCTION :

1. Schools and Teachers.
2. Handicapped Children and Rehabilitation.
3. Teachers' Pensions.

DEPARTMENT OF PUBLIC WORKS AND BUILDINGS :

1. Public Parks and Buildings.
2. Highway Safety.

Then again, with powers of creating and administering rules and regulations governing disease prevention and control, the State Department of Public Health has compiled separate booklets, manuals

and pamphlets which cover in detail the administrative control of various matters in the fields of communicable diseases, sanitation, hygiene, and others. Several of the State Departments have done likewise with their rules and regulations relating to health.

Similar to statutes in their potentialities as to regulation and enforcement, these rules and regulations on various separate subjects may be available, on request, to those who are charged with the administration of public health matters.

It may be said in conclusion that no Federal laws conflict with the laws of Illinois in the cooperative program of the United States Public Health Service in Illinois.

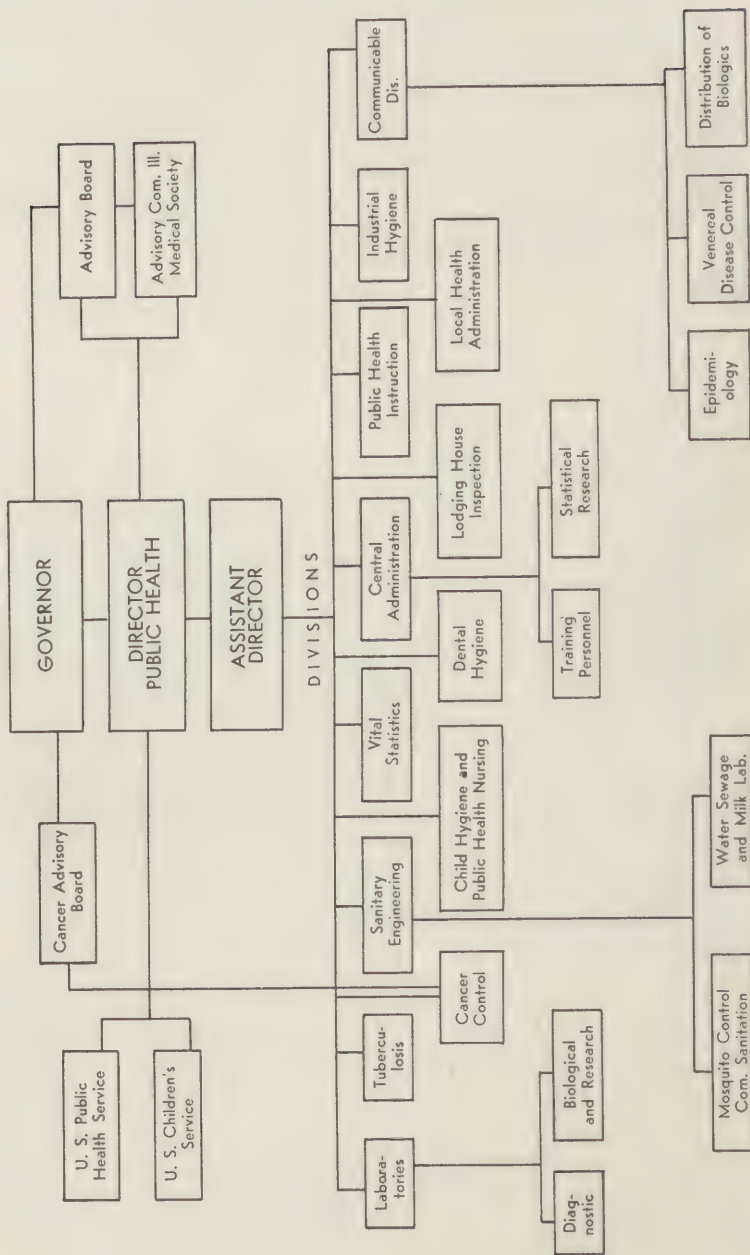
LEGAL STATUS

The State Department of Public Health in Illinois is one of the ten departments of the State government which comes under the Civil Administrative Code at the head of which is the Governor. The executive office of the Department of Public Health, like the administrative heads of the other departments, is known as the Director. He is appointed for a term of two years by the Governor, and is responsible directly to him for the functioning of the Department and the conservation of its funds and property. The Director is required by law to be a regularly licensed physician in the State and *to have had a minimum of five years of practical experience in the practice of medicine and surgery in Illinois and not less than six years' experience in public health work.* In addition to the Director the Governor appoints an Assistant Director, who must meet the same qualifications.

The law also makes provision for an advisory board of five members, also appointed by the Governor. The board may offer suggestions in reference to the policies and activities of the Department, but it has no legal power to cause the Director to adopt any recommendations or suggestions. Board members receive no compensation for services on the Board.

ORGANIZATION OF ILLINOIS DEPARTMENT OF PUBLIC HEALTH

1940



PERSONNEL

The State Director of Public Health is in direct administrative charge of the Department. The total personnel of the Department, including all positions filled in the current fiscal year and those budgeted for 1940-1941, is shown by class below:

<i>Class</i>	<i>Number</i>
1. ADMINISTRATIVE	
Officers	12
Assistants	12
2. MEDICAL AND DENTAL	
Clinicians	39
Medical Health Officers.....	25
Obstetrician	1
Pediatricians	7
Dentists	5
Other medical	1
3. TECHNICAL	
Bacteriologist Sero.....	37
Biologist	1
Chemists	11
Laboratory Helpers	14
Milk Sanitarians	6
Nutritionists	4
Engineers	39
Statisticians	4
Other technical	13
4. NURSING	
Dental Nurses	4
Public Health Nurses.....	114
Assistant Supervising Nurses.....	7
Venereal Disease Nurses.....	25
Other nursing	17
5. INSPECTORS AND INVESTIGATORS	
Communicable Disease Inspectors except Venereal Disease...	3
Industrial Hygiene Inspectors.....	2
Lodging House Inspectors.....	12
Venereal Disease Investigators.....	7
Vital Statistic Investigators.....	3
Other Inspectors and Investigators.....	7

6. CLERICAL AND STENOGRAPHIC

Bookkeepers	4
Clerks	60
File Clerks	3
Librarian	1
Messengers	7
Secretaries	4
Stenographers	69
Tabulating Machine Operators.....	4
Typists	41
Other Clerical and Stenographic.....	

7. AUXILIARY

Chauffeur	
Janitor	2
Laborers	21
Other Auxiliary	1

8. TRAINEES

Dentist	1
Engineer	1
Nurses	9
Physicians	7
Other trainees	1

 668
(1) *Merit System*

All of the personnel of the Department except the Director, the Assistant Director, the Chief of the Division of Cancer Control and the Superintendent of Lodging House Inspection, who are classed as State Officers appointed by the Governor, are under the State Civil Service System. This applies equally to employees paid from State and Federal funds. All employees have either complied with the State Civil Service regulations or are in process of meeting the Civil Service requirements. The latter will be accomplished as rapidly as the resources of the Civil Service Commission permits. Employees not yet certified on a permanent basis have qualified for pending examinations.

All details of the Civil Service regulations are set forth in the Civil Service Law and of Rules of the Civil Service Commission.

Personnel administration of the Department is vested in the Director who passes on the qualifications of all appointees. The classification of the personnel of the Department, age limits, qualifications, salary range, etc., are shown in the Civil Service Commissions' classification schedule.

(2) *Accounting and Financing*

All funds obtained under the provisions of Title VI, as well as those obtained from other Federal sources, are handled and expended exactly as though they were funds appropriated

by the State. All payrolls of employees coming under the classified merit system must be approved by the Civil Service Commission and by the Department of Finance before the state auditor can legally issue salary warrants. Money for other purposes can be spent only upon approval by the State Department of Finance of requisitions giving specific details of purposes of expenditure. All printing contracts are let by the State Division of Printing and all purchases are made either by the State Division of Purchases and Supplies or on authority granted by that Division.

State and Federal auditors examine the financial records of the Department of Public Health from time to time.

The Chief Clerk of the Department, is in immediate charge of the accounting office.

(3) *Training of Personnel*

Training of personnel is accomplished in three general ways, (I) the assignment of selected candidates for attendance at recognized schools of public health, (II) the constant in-service training, and (III) attendance of selected personnel at conventions.

- I. (a) Regional conferences at which members of the central administrative and field staff meet for discussion of public health problems of particular importance to the three regions, respectively, are held periodically in the northern, central and southern thirds of the State.
 - (b) One and two-day conferences and institutes are held at frequent intervals for specialized personnel—medical, nursing, engineering, etc. Some of these involve only Departmental personnel. Others include local personnel, especially nurses, operators of water and sewage treatment plants, swimming pools, milk pasteurization plants, etc.
 - (c) A State conference on public health is held annually with attendance of Department personnel required.
 - (d) Staff meetings are routine in the division where this is important and practicable—Laboratory, Engineering, Child Hygiene, Communicable Disease, etc.
 - II. All division chiefs and a considerable number of other members of the professional staff are assigned to attend at least one important national convention on public health annually, such as the American Public Health Association. Many are assigned to attend the various regional, state and local conventions in the medical, public health and allied fields.
- The State Director of Public Health, is in direct charge of personnel training at schools of public health. The several division chiefs are in immediate charge of the other training functions.

(4) *Supervision and Promotion of Local Health Service*

This activity was administered, beginning July 1, 1940, by newly created Division of Local Health Administration at the head of which is a medical officer known as the division chief. This officer is in direct administrative charge of the 21 State district health units which are integral parts of the State Department of Public Health. Each district is headed by a medical officer and has on the staff also a public health nurse, a sanitary engineer and an office clerk. From 1 to 6 counties are embraced in each district.

These districts undertake to provide, (1) a broad general local health service in the rural areas and communities where no public health service is otherwise available, (2) give assistance and guidance to local official and voluntary agencies in their respective districts, (3) and promote the strengthening and establishment of local health services.

The division chief, and through him the district health officers, is responsible for supervision over the expenditure of funds allotted to local health departments by the State Department of Public Health. There were 9 local health departments which received financial aid in this way during the current year and there are 10 which anticipate aid in the ensuing year.

Whole time local health services, in addition to the 21 state district health units, are as follows:

Berwyn
 *Champaign-Urbana
 *Chicago
 Cicero
 *Decatur
 *E. St. Louis
 Elgin
 Evanston
 *LaSalle, Peru & Oglesby
 *Peoria
 *Quincy
 *Rockford
 Winnetka

(5) *Communicable Disease Control* (See "Manual and Outline of Procedure for Health Officers." Available to all health Officers.)

(a) GENERAL

Activity under this title is centered in the Division of Communicable Diseases which promulgates and enforces quarantine and other rules and regulations relating to communicable diseases; collects, analyses and utilizes case reports; stimulates and carries out through field personnel campaigns of inoculation against various diseases; dis-

* Financial aid extended to.

tributes biologics; makes detailed epidemiological studies of every reported case of typhoid fever, smallpox, adult chickenpox, diphtheria and poliomyelitis and of outbreaks of other diseases.

Popular literature on all of the common communicable diseases is distributed through field workers and in response to specific requests. Lectures to lay and professional groups are given frequently and advantage taken of all practical channels of education for disseminating information on disease control.

The chief of the Division of Communicable Disease is in direct administrative charge.

(b) TUBERCULOSIS CONTROL

A Division of Tuberculosis Control has been authorized by state legislature and is to be created. Its duties will include (1) promoting the adoption of the county tuberculosis control law by counties which had not done so; (2) the standardization of sanatorium practice and of tuberculosis; (3) the promotion of local case finding programs; (4) the making of research studies on tuberculosis; (5) the coordination of all organized efforts, official and voluntary, in the field of tuberculosis control.

The personnel of the division has not been organized.

(c) PNEUMONIA CONTROL

In its efforts to control pneumonia with the end in view of reducing mortality to at least 10% of all cases of that disease, the Department (1) distributes free antiserum (rabbit) and/or sulfapyridine on request of the physician for the treatment of any pneumonia patient from whom specimens are taken and typed in approved diagnostic laboratories; (2) provides diagnostic laboratory services free for typing and therapeutic control; (3) offers training facilities for laboratory technicians; (4) gives assistance to local laboratories in meeting standards required for approval; (5) establishes local stations or depots (27 at present) from which the free therapeutics may be had and approves local laboratories (now about 150) for typing service; (6) holds institutes and special conferences with practicing physicians and nurses and with public health workers in the professional aspects of diagnosis and therapy; (7) conducts lay educational programs through public speaking, radio addresses, motion pictures, and literature; (8) collects and analyzes in detail statistical records on pneumonia; (9) initiates and carries forward research studies in the clinical and laboratory aspects of pneumonia control.

The Pneumonia Control Officer is in direct administrative charge of the pneumonia control program.

(d) MALARIA CONTROL

See Mosquito Control under (j) in (7) Environmental Sanitation.

(e) VENEREAL DISEASE CONTROL

(1) General

The program is based on the conception that the venereal diseases constitute a major public health problem of the same order, from a professional standpoint, as any other serious communicable disease and should be attacked as such rather than as a problem of social morality. Treatment of infected individuals is considered fundamental in order that sources of infection may be eliminated. To this end the activities are executed along the lines of (2) education, (3) case-finding, (4) case-holding, (5) epidemiology, (6) clinics, (7) service to physicians, (8) reciprocal relations, (9) special measures and (10) legislative measures.

Activities along these several lines, in the order listed, are discussed in some detail below.

(2) Educational Measures

Educational measures for public information are to be continued by cooperating with the churches, clubs, schools, societies and other organizations by furnishing them with literature, pamphlets, moving pictures and speakers on syphilis and gonorrhea. During the past year there has been received an increasing number of requests for speakers on the premarital health laws. There were about 300,000 pamphlets on venereal disease distributed. New publications and pamphlets for public and especially high school information will be purchased as the needs arise.

(3) Case Finding

The diagnosis of new cases (case finding) will constitute a very important factor in the control program of venereal diseases and special efforts will be directed to the finding of early cases of gonorrhea and syphilis by the following measures: high index of suspicion of infection, epidemiological investigation of source and contact, pre-marital health examinations, routine blood tests of all pregnant women, industrial and school blood testing surveys and routine blood tests done on all hospital and out-patient clinic cases, other than non-venereal disease patients.

(4) Case Holding

Control of cases of syphilis and gonorrhea (case holding) constitutes a very integral part of the control program and the success of this measure determines the success or failure

of any venereal disease program. The method of case holding has been found very effective and provides for the following: monthly check-up letter containing a list of the drugs for the next five weeks' treatment of each patient listed in the records as being under the physician's care is sent to every doctor for his "O.K." check or he may substitute his own choice of drugs.

(5) Epidemiology

The success for the control of syphilis and gonorrhea depends upon the careful tracing of every infection to its original source and the investigation of each and every person whom the patient might have exposed. The manner and method of approach of the public health officer, nurse, or field representative in making these investigations determines the success or failure of the epidemiological results of venereal diseases. They must apply the ordinary public health principles toward the detection and prevention of an infectious disease, one subject to the concepts of spread and contact, as in diphtheria or smallpox. It is obvious that a disease which is transmitted almost entirely by one method should be less difficult to follow than one transmitted by insect vectors. This is a problem to be solved by individual initiative and is not capable of solution by application of mass methods.

The interest and appreciation for efforts in this type of work has been manifested by the medical profession in the following manner:

1. Morbidity reports of venereal disease contain the actual names of the patients in over 81 percent of the total cases reported.
2. The actual names of suspected sources of infection were reported in 25 percent of the cases.

(6) Clinics

The establishment of venereal disease clinics is only recommended in those communities which fail to make adequate or no provision at all for the proper treatment of indigent venereal disease cases.

At the present time there are 30 down-state and ten Chicago clinics which offer free treatment for venereal diseases to patients who can not afford to pay for treatment, and include relief cases, medical indigent cases, transients, and any patient referred by a private physician.

(7) Services to Physicians

The State of Illinois furnishes free of charge to all licensed physicians in the State reporting venereal disease cases the following services:

1. Free Drugs—Free drugs are furnished for either treatment of all cases of syphilis and gonorrhea regardless of the economic status of the patient.

2. Laboratory Services—include darkfield for *Spirocheta pallida*; smears for gonococci and Ducrey bacilli; blood Kahn and Wassermann tests; Spinal fluid examinations and Frei tests for lymphogranuloma. Lumbar punctures with the examinations of spinal fluid can be secured for all patients referred by private physicians to any of the clinics.
3. Consultation Services—this service is given by clinic Directors at requests of private physicians.
4. Standardization of Treatment—Free pre-scheduled treatment outlines for all cases of early and latent syphilis, as well as syphilis in pregnant women and congenital lues, are furnished to all physicians reporting venereal disease cases. These treatment outlines provide for continuous, uninterrupted arsenical and bismuth medication, which is based upon the recommendations of the Cooperative Clinical Group of the U. S. Public Health Service.
5. Refresher Courses—Post graduate or refresher courses free to all physicians are held at the Municipal Social Hygiene Clinic in Chicago. Practical instruction in the diagnosis, treatment and laboratory management of venereal disease cases are given. Although this course is well attended by physicians in the immediate vicinity, it is planned to make similar post graduate courses available to down-state physicians with a minimum loss of time and expense.

(8) Reciprocal Relationship

The Section continues to foster relationship with full time officers of health in interurban cities, as well as interstate venereal disease control officers, whereby the exchange of information pertaining to cases of venereal disease will become of mutual benefit. Reciprocal relationship cards containing all the necessary information of each case are in the process of being printed.

(9) Special Measures

1. Control of Syphilis in Pregnant Women.—A special plan for the management of luetic pregnant women has been devised and successfully carried out by this Section. It essentially consists of the blood testing of all pregnant women as required by the enactment of the recent law, and the placing of positive cases under continuous antiluetic treatment as soon and as long as possible until confinement. A special endeavor is made to institute treatment before the fifth month. The enactment of the Saltiel pre-natal law July 1, 1939 resulted in

19,703 blood tests of pregnant women, up to May 1, 1940, of which 234 were positive. At the present time records show about 500 luetic pregnant women under the care of nearly 450 private physicians and in those cases which were caused to be placed under treatment before the fifth month of pregnancy, 90 per cent terminated in apparently normal, healthy babies with negative blood serology.

2. Control of Congenital Syphilis.—A control program for the diagnosis and treatment of congenital syphilis is contemplated for the coming year. All these cases are card indexed and a personal letter sent to the attending physician, together with the drug and pre-scheduled treatment outline of congenital syphilis. A copy of these cases is sent to the Division of Child Welfare. Certain hours of clinics are to be allotted for the treatment of these cases under competent pediatricians and clinicians.

3. The control of early cases of syphilis under the care of private physicians has been one of the main endeavors and all cases mentioned by the attending physician as having "completed their treatment", "cured", "sufficient treatment to be non-infectious" have been checked by an investigator and if the amount of antiluetic treatment received is below minimum standard, every effort is made to have the patient continue treatment.

(10) Legislative Measures

The present regulations pertaining to compulsory report of all venereal disease cases should be more rigidly enforced. New laws should be enacted, giving the health department more leaway in the control of gonorrhea and syphilis among prostitutes. Better legal control of dispensing druggists, quack doctors and manufacturers of "sure and quick cure" medicines is contingent on passing and enforcing new laws.

(11) New Activities

This Section is very much interested in the *intensive therapy method* of the treatment of early syphilis as developed at the Mt. Sinai Hospital in New York City. At the present time arrangements are being made to carry on this type of treatment as outlined in the proposed standards for same in the Cook County Hospital in Chicago, in Peoria and Decatur, Illinois.

Quantitative Kahn test to check cases of syphilis under treatment has recently been developed and placed at the disposal and upon request of private physicians in Chicago and Champaign branches of the State Laboratory, and in the full time health units in Rockford and Evanston, Illinois.

Kahn verification test to eliminate false positive reports of blood tests for syphilis has been carried on in Chicago laboratory in cooperation with the method developed by Dr. R. L. Kahn.

A new procedure recently instituted pertains to the monthly reporting of all positive blood tests and smears submitted to the approved laboratories in the State of Illinois under private supervision.

The Venereal Disease Control Officer is in immediate administrative charge of this Section.

(6) *Vital Statistics*

Under the uniform vital statistics law, certificates of births, stillbirths and deaths are collected, compiled, analyzed and studied to provide information useful to health authorities as guide to the formulation and execution of programs. Details of present and proposed activities are discussed below:

Consolidation of the machine tabulation installation of the Division of Vital Statistics with that in the Statistical Division has made possible an expanded program in vital statistics without increase in personnel. This expansion is being promoted as rapidly as conversion of specific operations from manual to machine methods can be effected.

At the present time punch cards are prepared for deaths only, the punched card serving both indexing and statistical purposes. Indexes are prepared monthly by machine sorting and listing of the punched cards, the series of monthly indexes being replaced at the end of the year by an inclusive annual index. Provisional monthly tabulations are prepared from the same cards, followed in due course by quarterly and semi-annual summaries. These current tabulations include at the present time a General Mortality table, an Accident Fatalities table, and a Motor Vehicle Accident Fatalities table. It is planned very soon to add separate panels of venereal disease deaths, deaths from pneumonia and other respiratory infections and common precursors of pneumonia, and maternal and infants deaths, respectfully. The object of these additions is to serve more discriminately and more fully than heretofore the established concerns of the several divisions and programs of the Department. The utility of current detail in other important groups of causes of death is being further explored.

The use of a summary card will be introduced shortly to make possible the direct production of final copies of these tables on the alphabetic printing tabulating machine without intermediate manual editing, compiling and typing.

At the present time annual tabulations of deaths are all on the basis of place of occurrence. Rates computed on this basis often lead to incongruous or grossly misleading results. A procedure is being set up for placing all deaths tabulations on a residence basis. This will apply to the 1940 tabulations

and if resources permit will be carried back in a retabulation of the last decade, in order that residence data may be given a preference over occurrence data in the recomputation of rates which will be made possible when the 1940 census population figure become available.

The out-of-state deaths of Illinois residents, cleared through the Federal Bureau of the census, will for the first time be included in statistical tabulations this year.

Punch Card System

The first major innovation of the new fiscal year will be the installation of a punch card for births. It will for the first time make possible the production of adequate indexes as well as afford much needed statistical tabulations. The latter are at present limited to certain hand counts and are necessarily severely limited in scope. The punched card will for the first time render feasible the computation of rates on the basis of residence of the mother. This is especially important in connection with maternal and infant death rates as well as birth dates. It is planned to adopt a procedure for producing on the alphabetic printing machine the notices of birth registration which are sent to parents. The routine follow-up of the birth certificate items relating to ophthalmia neonatorum and antenatal tests for syphilis will for the first time be practicable.

In connection with both births and deaths, the possibility is being carefully explored of furnishing in punched card form by simple machine duplication the transcripts required by the Bureau of Census.

A comprehensive registration directory of registration districts, registration officials, coroners, undertakers and midwives is being set up on punched cards as an integral part of the system. It complements the Medical Register of professional personnel and facilities of the State which is maintained by the Statistical Division and will immensely facilitate the production of up-to-date reference lists and mailing lists besides serving as an indispensable key code.

Plans are under way for preparing with the assistance of the Works Progress Administration machine listed indexes of all births and deaths reported since the adoption of the vital statistics act in 1915. For a major portion of this period only card file indexes are at present available and none of these include Chicago certificates. Searching can be materially expedited by adequate indexes and clerical personnel at present occupied with this task transferred to other work. Valuable statistical data not previously obtainable will incidentally accrue. Eventually it is expected to carry the punch card transcription of original records back to 1877. At the present

time searches of these earlier records are completely precluded and no protocol statistical material is available to supplement the tables originally prepared.

The possibilities of microfilm technique will be explored for a solution of the acute problem of housing the original records and mobilizing them for ready use. It is hoped that specific legislative proposals for the establishment of a system for the registration of marriage and divorce statistics will be forthcoming from a study of the new model vital statistics law prepared by national authorities.

A comprehensive analysis of the entire state documentation system relating to births and deaths has been initiated with a view to revision of the present cumbersome and unwieldy registration system. Results of the birth registration test now being conducted by the census will be utilized in selecting registration districts for consolidation. It is planned to use the punched card for preparing statements provided the county clerks of fees due local registrars.

It is proposed to cultivate a more intimate relationship of the Division of Vital Statistics to the other divisions of the Department and to the field program in the twenty-one public health districts of the State. This can be accomplished primarily by providing more plentiful and specifically informative working data of control value. Fundamental reference tables pertaining to local health history and current health conditions in the several regions of the State are in process of preparation with the assistance of a Works Progress Administration project operating in the Statistical Division. The compilation of communicable disease morbidity data has been undertaken initially, but during the coming year arrangements will be made to extend this work to include parallel birth, death and population data. A basic series of control maps is in process of preparation for these purposes.

It is intended to reduce to a bare minimum all purely routine tabulations and to emphasize rather the greater usefulness of tabulations tailor made to fit well defined purposes. It is hoped that the Division of Vital Statistics can also be instrumental in furnishing to voluntary and other non-state agencies with specialized concerns more pertinent statistics accompanied by adequate analysis and interpretation instead of undigested—and indigestible—masses of miscellaneous tables.

The Registrar is in immediate administrative charge of this activity.

(7) *Environmental Sanitation*

Activities under this title, with the exceptions noted below, are administered directly by the Division of Sanitary Engineering, which aims to obtain improved sanitation through local efforts in the ways described below:

(a) Water Supply (Public)

Review of all plans for additions to existing facilities and for new facilities. The complete five-point program consists of routine inspections at least annually and frequent routine analyses of samples; the receipt of operation reports (for all treated supplies); holding meetings for waterworks operators in various sections of the State and a short course for operators; issuance of quarterly publication devoted to waterworks problems; issuance of certificates of competency to water treatment plant operators.

(b) Sewage Disposal Facilities

Review of all plans for additions to existing facilities and for new facilities. All technical work for the Sanitary Water Board is done in this division and the Chief Sanitary Engineer by law being the Technical Secretary of the Sanitary Water Board. The program consists of the promotion of the installation and extension of sewerage facilities combined with an operation program embracing routine inspection and personal instruction to operators; the receipt of monthly operation reports; holding sectional and State-wide meetings and short course for operators; issuance of a quarterly publication devoted to sewage treatment problems and issuance of certificates of competency to sewage plant operators. Advice given to individuals, schools, subdividers on questions of waste disposal. The above activities are authorized by the sanitary water board law, the Director of Health being the Chairman of the Sanitary Water Board.

(c) Housing Control

Through cooperation with the Federal Housing Administration, all water supply and sewerage installations (other than connection to a city sewer or water main) must receive the approval of the department. This is accomplished through the review of information on such installations on forms prepared by this department and in this connection considerable advice and assistance is given the individual home owner.

(d) Plumbing Control

Because there is no State plumbing code, activities are in cooperation with municipalities in promoting the passage of model plumbing ordinances.

A plumber's licensing law is administered by another department of State government. (Department of Registration and Education)

- (e) Smoke Prevention (See Powers of City Council and Public Health Boards.)

None attempted.

- (f) Rodent Control (See Powers of City Council and Public Health Boards.)

No organized program other than advice to those interested in such problems.

- (g) Garbage Collection and Disposal

No organized program except through general assistance to municipalities in connection with their sanitation problems.

- (h) Shellfish Sanitation (See Powers of City Council and Public Health Boards.)

None attempted.

- (i) Milk Sanitation and Control

Administration of the State pasteurization plant law, through routine inspections of plants, holding meetings for education of operators, issuance of publications devoted to milk pasteurization plant problems, issuance of certificates of approval to milk pasteurization plants complying with the minimum sanitary requirements; inspection of farm facilities upon request where municipalities are operated under Standard Ordinance otherwise control of raw milk is vested in the Department of Agriculture.

- (j) Mosquito Control

Through a WPA department-sponsored project, eradication through mainly drainage but some oiling and dusting is carried out in southern portion of State where malaria is prevalent. Mosquito control districts permitted to be formed under State law given advisory service.

- (k) See Item No. 23.

- (l) Stream pollution

See (7) (b). In addition an intensive program of industrial waste treatment and stream surveys are carried on by the Sanitary Water Board.

(m) **Swimming Pools**

As provided for by swimming pool law, plans for all improvements to existing and for new pools are reviewed and approved. Operation program consists of routine inspections and analyses, receipt of operation reports, holding of section swimming pool operators meetings, issuance of quarterly publication devoted to swimming pool problems and the rating and issuing of certificate of sanitary classification to all pools with a definite requirement in the law that this must be posted.

The Chief Sanitary Engineer, is in immediate administrative charge of this activity.

(8) ***Public Health Nursing***

See Item No. 16. The programs of (1) public health nursing, (2) school health and (3) maternity, infancy and child hygiene are combined for administrative purposes in the Division of Child Hygiene and Public Health Nursing, described under Item No. 16.

(9) ***Dental Hygiene***

Purely educational in purpose and aimed at the prevention and correction of dental ills through the improvement of dietary habits on the one hand and regular dental care on the other, the Division of Mouth Hygiene undertakes (1) the examination of school children on a large scale in areas (especially rural) where no local service is available for the detection of dental defects; (2) the arousing of parental interest in the correction of such defects through reports on the examination to them and through public meetings and individual conferences in connection with the examination program; (3) the production of literature for distribution and of exhibits and other usual slides for lending; (4) the holding of periodic institutes with dentists and with teachers on public health phases of dentistry and mouth hygiene; (5) collection, analysis and study of statistical data on dental subjects; and (6) research in such problems as the effects of fluorine on dental health.

For administration purposes in this activity the State is divided into 5 districts with a dental unit staff (a dentist and dental assistant nurse) in each case to carry on field service.

The Chief of the Division is in immediate administrative charge of this activity.

(10) ***Cancer Control***

The specific cancer control program aimed at the prevention and cure of cancer by the early diagnosis and appropriate treatment of cancer and cancerous conditions and the avoidance

of habits conducive of cancer, which was first initiated during the (1939-1940) fiscal year consists of two phases. These are (1) educational and (2) laboratory diagnostic.

(1) The education work is done by the Division of Cancer Control set up in the Department of Public Health by an amendment to the basic organizational law, the Civil Administrative Code. This law provides among other things, for a board of advisors to the Division, the members with staggered terms, being appointed by the Governor. This board of 7, at least 4 of whom must be recognized and authorities on cancer control, has the power of approval of the Chief of the Division, an officer required by law and also appointed by the Governor.

This phase of the program will consist of (1) promoting public interest in cancer through literature, lectures, motion pictures and other means of education; (2) the promotion of organized voluntary effort through such agencies as the Woman's Field Army; (3) the stimulation of official activity through local health departments; (4) the education of physicians through programs at county societies, special institutes and short courses of post graduate work at suitable medical centers; (5) the making of surveys on the prevalence of cancer and facilities for diagnosis and treatment with the purpose of improving the latter. It will be the aim to promote developments, which will offer competent diagnostic and treatment service to all who need them.

The closest contact and cooperation with the medical profession will be maintained in these efforts.

(2) The laboratory diagnostic service will be in two phases—(a) that done free by that State Department of Public Health and (b) that done in other laboratories.

The free service will be limited largely to the examination in the Department's laboratories of tissue specimens from rural areas and small communities where local laboratory facilities are not readily available.

In respect to other laboratories, efforts will be made (1) to improve the efficiency of cancer diagnostic service where it is now attempted and (2) to promote the setting up of such services in suitable laboratories which have not undertaken to do this work. Expert guidance in this work is provided by the Department. It proposes also to offer to train laboratory workers and pathologists in the laboratory technique of cancer diagnosis. Short courses in the Department's laboratories will be offered for this purpose.

The Chief of the Division of Cancer Control is in administrative charge of phase (1) of this activity.

The pathologist is in charge of the diagnostic service.

All of the activity is closely coordinated and operated cooperatively. The two-phase distinction in the set-up is the result of two laws creating the cancer control service.

(11) *Industrial Hygiene*

With the end in view of reducing among industrial workers all ills arising from occupational risks and of promoting positive health among those workers the Division of Industrial Hygiene offers expert medical, engineering and laboratory services along the following lines:

(a) Workrooms, factories and plants are inspected and appraised from the standpoint of sanitation and occupational risks and hygiene facilities and recommendations made for improvement where needed; (b) an occupational disease clinic is maintained to which individuals may be referred for expert diagnostic service; (c) a free laboratory service for diagnostic tests on specimens relating to occupational disease and for the determination of chemical and dust content of substances used in manufacturing process is maintained; (d) the clinical examination of workers is done when conditions indicate and circumstances permit; (e) assistance to personnel managers in plans for the selection and placement of employees in accordance with their physical and mental assets is rendered; (f) case-finding programs in reference to tuberculosis and syphilis are promoted; (g) statistical records on occupational risks and diseases are assembled, analyzed, studied and utilized; (h) special literature and exhibits are proposed for educational purposes.

The Chief of the Division of Industrial Hygiene is in direct administrative control of this activity.

(12) *Laboratory Services*

Aimed at providing as far as possible all practicable aids available from such sources in the control of communicable diseases, the laboratory services of the Department are divided into three general classes—(1) diagnostic, (2) biologic and research; and (3) water and sewage. The first two are under the Division of Laboratories while the third is in the Division of Sanitary Engineering.

In the diagnostic activity, which embraces a central laboratory at Springfield and branches at Carbondale, Champaign, Chicago and Galesburg, (1) specimens are examined free of local cost for all communicable diseases for which practicable test procedure are available; (2) the standards of services in other public and private diagnostic laboratories is promoted through a system of approval which is required by law for laboratories which do V. D. tests for prenatal and premarital purposes and is encouraged by Department rulings for those which offer to type pneumonia specimens; (3) courses of training for local laboratory technicians are offered; (4) special field epidemiological studies are made through the use of a mobile laboratory at points where occasion makes practicable; (5) tissues for examination for cancer are accepted on a limited scale, those from indigent patients and from physicians who

desire it for special confirmation in diagnosis; (6) the establishment of local general diagnostic laboratories is encouraged in every practicable way.

In the biologic and research laboratories is undertaken (1) the manufacture of silver nitrate solution, anti-rabies and typhoid fever vaccine, diphtheria toxoid and Schick material and several other products; (2) the testing of samples of all biologics purchased; (3) the study of subjects leading to the improvement in diagnostic tests and in biologics and the developments of new procedures and new preparations.

In the water and sewage laboratory samples from public water supply and sewage disposal systems are analyzed routinely and from private supplies on requests. Tests are done also in connection with special studies on stream pollution and in connection with chemical controls.

The Chief of the Division of Laboratories is in direct control of the diagnostic and biologic service. The water and sewage laboratories are under the immediate administrative control of the Chief Sanitary Engineer.

(13) *Food and Drug Control*

None—carried out by Department of Agriculture.

(14) *Public Health Instruction*

Aimed at cultivating attitudes which will lead the people generally to take advantage as fully as practicable of all that preventive medicine has to offer and which will stimulate confidence in the medical, public health and allied professions, the Division of Public Health Instruction utilizes all of the established channels for disseminating information generally throughout the State. Routine activities include the use of the:

- (a) Press
- (b) Radio
- (c) Motion pictures
- (d) Exhibits
- (e) Platform

(a) Special literature on a wide range of topics is produced and distributed; a bi-weekly popular bulletin for general distribution and a weekly and bi-weekly bulletin for public health workers are published; about three releases weekly for newspapers are prepared; special and annual reports are compiled and edited; special articles for journals are prepared.

(b) Dramatized radio programs at the rate of 26 annually are prepared, transcribed electrically and furnished to 30 cooperating broadcasting stations.

(c) Motion picture films are acquired by purchase or production and made available on loan and through a mobile unit and through the State district units to any responsible person or agency in the State.

(d) Mobile exhibit pieces including almost every type of visual device suitable for exhibit purposes and covering a wide range of subjects have been constructed and are displayed at fairs, conventions, special conferences, schools, training camps and sundry other events and places.

(e) The platform is utilized by arranging for and providing suitable talent for (1) special speaking engagements, and (2) special local and state-wide conferences.

The Chief of the Division of Public Health Instruction is in immediate administrative charge of this activity.

(15) *School Health Service*

(See Item No. 16)

(16) *Maternal and Child Health*

This activity as well as the state-wide public health nursing and school health service is administered by the Division of Child Hygiene and Public Health Nursing. The objective of this three-fold program is to accomplish a general and substantial improvement in health by creating a demand for top-notch professional service on the one hand and by raising professional efficiency and alertness on the other.

(a) The *maternity program* is initiated and executed through a State committee on which is represented the organized medical and nursing professions, the laity through such agencies as the Parent-Teacher associations and the Department. The work includes the education of physicians through programs carried to the local societies, and through post-graduate short courses during the summer offered at the Medical College of the University of Illinois. Lay education programs are built around regional conferences under the auspices of a local physician appointed as a district chairman in the general scheme. Consultant nurses work with local nurses and hospitals. Demonstrations are carried out on a county basis at selected points, a full time nurse being assigned to that duty. Specially trained nurses are assigned on indefinite duty to various municipalities where conditions offer special opportunities. Also, supervision is maintained, through legal responsibility, over all maternity hospitals and institutions, each being required to meet certain established minimum standards in order to obtain and retain a license.

(b) The *infancy and child hygiene* program is similar in character to the maternity program. Special trained nurses assigned to this work promote and guide the functioning of infant welfare societies and nursing services, mothers' clubs, etc. Special campaigns of inoculations are promoted.

(c) *Public Health Nursing* is promoted by (1) extending grants-in-aid equal to one-half the local costs, (2) by giving demonstrations in nursing service and by (3) rendering expert assistance in nursing to interested local groups. A visiting

bedside nursing service is maintained in a dozen counties.

(d) *School Health Service* includes (1) the examination of school children by staff members as demonstrations, (2) the making of surveys and appraisals of school systems as to sanitation, health service and curriculum courses, (3) the holding of conferences with school authorities to promote better teaching practice, (4) the activity of nutritionists in improving the dietary practices at schools and in the homes.

The Chief of the Division is in immediate administrative control.

(17) *Birth Control*

None—not carried out by any State Department.

(18) *Mental Hygiene*

Program proposed under U. S. Mental Hygiene Consultant.

(19) *Crippled Children*

None—carried out by Department of Public Welfare.

(20) *Medical Care*

None—carried out by Department of Public Welfare.

(21) *Research*

Research in the Kahn verification test for syphilis; on equine encephalomyelitis; in unimproved methods of identifying diphtheria bacilli and differential diagnosis of enteric specimens; for culturing pneumococci; for determining the blood saturation with sulfapyridine; in statistical methods; on the influence of fluorine in drinking water; industrial waste disposal; and several other subjects have been culminated or are still in progress.

(22) *Other Activities*

A *public health library* service is maintained for the benefit of the Department staff, local public health workers and local libraries. Books and other references are provided on loan, bibliographies prepared for special subjects, and guidance extended to local libraries in selecting public health books.

(23) *Lodging House Inspection*

The work of this Division is confined by law to cities over 100,000 population, which restricts it, at the present, to Chicago and Peoria. Its purpose is to prevent overcrowding, especially in the poorer lodging houses, and to see that reasonably satisfactory sanitary standards prevail. Ventilation, water supplies, sewage disposal and cleanliness are the main things with

which the inspectors concern themselves. Lodging houses, inns and hotels are inspected annually or more frequently with these objects in view.

The Superintendent of this Division is in immediate administrative charge.

(24) *Community Sanitation*

This activity consists of promoting the construction in unsewered areas of sanitary privies. Supervision is provided by the Department, labor by WPA and materials by property owners.

A sanitary engineer, is in immediate administrative charge.

THE ORGANIZATION AND FUNCTION OF THE DISTRICT HEALTH UNITS OF THE STATE DEPARTMENT OF PUBLIC HEALTH

The people today not only expect but demand protection from preventable diseases, particularly diseases which can be prevented through sanitation. In Illinois the responsibility for protecting the public health is reposed by law and by the pressure of popular opinion in the State Department of Public Health. The sensitiveness of the people about these matters was demonstrated in connection with the outbreak of typhoid fever at Manteno in 1939 and by the aftermath of that unfortunate event.

The popular tendency has gone even farther. The public attitude leans more and more toward holding health authorities responsible for epidemics of such diseases as smallpox and diphtheria, the prevention of which depends in no small degree on individual action. The people expect health officers and health departments to initiate and carry through programs which will prevent such outbreaks. This growing attitude is illustrated in numerous ways.

Only recently, for example, the death of a high school boy from pneumonia led to the criticism of a health department for alleged delay in handling a laboratory specimen taken from the boy. The family of the boy quite naturally cherished the belief that his life might have been saved if the results of the laboratory test had been available to the doctor earlier.

On more than one occasion in years gone by, the State Department of Public Health has been accused erroneously of delay in sending out anti-rabic treatment where deaths from rabies were concerned. Although unfounded, these accusations reveal a widespread popular tendency to hold health authorities responsible for the failure of preventive medicine from whatever cause.

PUBLIC OPINION

This same tendency is reflected also by legislative action. The law passed in 1937 which requires premarital examinations for the detection of venereal diseases where they exist was introduced by a member of the General Assembly apparently on his own initiative. The bill was certainly not initiated by the State Department of Public Health nor by the organized medical profession. The same may be said about the law passed in 1939, which requires physicians to take blood specimens from pregnant women for tests for syphilis.

The law creating a division of cancer control, passed in 1939, was not suggested by the State Department of Public Health nor by the organized medical profession. On the other hand, the General Assembly, has been more and more liberal in its response to requests

from the State Department of Public Health for appropriations. The attitude of the legislators has been especially liberal in providing funds for the purchase and manufacturer of biologics for free distribution.

These illustrations show clearly the trend of public opinion concerning health protection and concerning the responsibility of health authorities. Often indifferent and sometimes actively opposed to programs initiated locally by health officers, the people nevertheless are prone to blame the health office for unhappy experiences which they believe preventive medicine should avoid.

This situation explains why a plan of district health administration was adopted in Illinois. The district system was the only practicable avenue through which the public health services of the State Department of Public Health could be expanded efficiently and localized so as to meet public demands as far as resources permit. The establishment of district units simply made it possible for the Department to do a better job on a larger scale.

The district idea of public health administration from the standpoint of the State is not new in Illinois. From the very outset, beginning about 1900, when physicians were engaged on a per diem basis to investigate epidemic outbreaks, these representatives have been assigned to well defined districts. Later, in 1915, when full time medical officers for field service were first employed, each was assigned to a district. This practice has continued up to the present time. During the period prior to 1936, however, the practice varied as to full time and part time duty of the district health officers.

Whether or not these officers were on a full time basis depended on appropriations available and on administrative policy.

It is important also to observe that prior to 1936 the district medical officers worked alone except on special occasions where circumstances required the assistance of other personnel, such as nurses or sanitary engineers, or bacteriologist, from the central office. The district medical officers had no personnel assigned to work with them on a permanent basis and they had no established local headquarters other than their own homes or offices.

Although the district medical officers worked alone, a staff of about 15 public health nurses had been built up in the Department. These nurses were likewise assigned to definite districts but the districts for nurses did not coincide with the districts for medical officers. In some cases different parts of the district of the medical officer would fall within the districts of two or three of the nurses. The executive supervision over the medical officers centered in one division and that of the nurses in another. In the field the medical officer had no administrative authority over the nurses. This situation prevented good team-work on the part of the field personnel of the Department and led to the waste of effort.

The important change which took place in 1936 was the adoption of a plan that unified the field strength of the Department into full time district units with established headquarters and with a staff to work under the direction of the medical officer in charge, the dis-

strict health superintendent. All of the district units were placed under the executive supervision of a single medical officer attached to the central office at Springfield. This plan simply brought together in a better administrative system the personnel and resources of the Department available for field service.

SOCIAL SECURITY AID

Simultaneously with the adoption of the unified district plan the field personnel was strengthened considerably. This was made possible by funds allotted to Illinois by the Federal Government under the provisions of the Social Security Act. That Act was passed in August 1935 and funds were made available to Illinois under its provisions for the six months ending June 30, 1936, and for each fiscal year thereafter. The Social Security Act authorizes a continuation of appropriations indefinitely by the Federal Government for allotment to States for public health purposes. For practical purposes the Federal-State cooperation upon which the district health unit plan in Illinois functions may be regarded as a permanent system of public health administration.

On July 1, 1936, six full time district units were established in Illinois. The plan which was finally adopted as permanent culminated in a total of 21 such units, including Cook County as a separate district.

The staff of each unit consists of a medical officer, who is in charge, a public health nurse, a sanitary engineer, and a clerk. The medical officer, the nurse and the engineer each has had special training in public health practice. Most of the physicians and nurses have spent a year each in study at special schools of public health connected with universities which offer approved courses in this field. The staff personnel of the units is therefore well trained and competent in public health matters.

The territory of each district consists of from 1 to 7 counties and the populations range from approximately 100,000 to Cook County with its rural population. A little reflection on the strength of the district staff in relation to the population served will suggest the magnitude and character of programs which it will be possible for the district units to undertake.

A reasonably adequate local health department for a community of 100,000 people requires the services of a staff of 70 trained persons, employed on a full time basis. This staff of 70 includes 7 medical officers and assistants; 40 nurses, a dentist, a sanitary engineer, an education specialist, a laboratory director, a statistician, a social worker and a dental hygienist; 7 milk, food and sanitary inspectors; 2 laboratory assistants and 6 clerks. If a staff of that size is needed to provide a good public health program along established lines to a community of 100,000, it is quite clear that the district health units of the State Department of Public Health, with a present maximum staff of 4, including the office clerk, can do little more than arouse local interest and suggest, advise and guide local efforts along public health lines.

With the present available strength, the district health units can never undertake anything that approaches a comprehensive, well-rounded and adequate program of local health service in keeping with modern standards.

The work undertaken by the district health units very largely is along five general lines. These are (1) communicable disease control; (2) maternity and infant hygiene; (3) health promotion in the schools; (4) the improvement of sanitation and (5) education for health. All of this work must of necessity be general in character because of the very limited personnel in the districts. Detailed local work, such as routine quarantine, routine inspection of school children, routine programs of vaccination and immunization and routine infant and maternal hygiene service of necessity must be done by local workers if it is done at all. The district personnel stimulates and encourages such activities and they render every practicable assistance but responsibility for local work is largely in local hands.

LOCAL COOPERATION

In keeping with the established policy of the Department the district personnel is instructed to work in close cooperation and harmony with the medical profession and with local health officials. This is at all times fundamental. The district superintendents do not practice medicine. Even such procedures as the Schick test and the tuberculin test are done by the district health superintendents only at the request of the local medical society if there is one or the local practicing physicians where there are no organized societies. The district superintendents are instructed in reference to tuberculosis case finding, for example, to make tuberculin tests among high school students, and follow up with X-rays of positive reactions, *when requested to do so by the local medical society and with their cooperation*. This principle holds with other activities involving the practice of medicine.

Within these limitations the district units aim first of all at the control of communicable diseases. To this end every reported case of typhoid fever, diphtheria, smallpox and several of the rarer diseases is investigated to determine the source of infection if possible and to take such steps as may be practicable to prevent spreading. Investigations are made also of epidemic outbreaks of all kinds. Cases of venereal diseases are investigated when circumstances require and efforts are made to discover sources of infection and to cause delinquent patients to place themselves under treatment by practicing physicians. To prevent outbreaks the district personnel stimulates local programs of vaccination and immunization against all diseases controllable in this way. The district medical officer, moreover, is instructed to assist local physicians and local health officials on request whenever at all practicable in connection with the control of communicable diseases of any kind.

The promotion of maternity and infant hygiene is a definite item in the programs of the district units. Instructions to the district medical officers as to activity along this line read as follows:

1. This will consist of close cooperation with the medical society program (if there is one) in organization of maternal hygiene classes and demonstration and antepartum groups, in order that a closer supervision may be brought about by having the prospective mother report to the family physician for a Kahn test, blood pressure reading and urinalysis, and by teaching the prospective mother how to prepare for the delivery. This should be followed, when possible, by neo-natal and post-partum calls, in order that the infant may receive proper nutrition, and the mother be advised regarding hygiene of the puerperium period.
2. Well baby clinics will be held in each county, together with the promotion of summer round-ups, which will be conducted in cooperation with members of the county medical society.

The work in maternity and infant hygiene is of basic importance in all public health programs and has yielded already the most impressive results of efforts in the public health field.

The service of the district units in sanitation for several reasons is on a more satisfactory basis than any other service offered. Environmental sanitation is an older service than any other; it is appreciated more generally; it is more nearly an exact science and sanitary improvements affecting an entire community often can be made through the cooperation of only a few officials. The sanitary engineer in each district is instructed to inspect public water supply and sewage disposal systems when so requested by local authorities in connection with problems involving public health hazards. As routine activities the engineers make surveys of the sanitary needs of rural schools, of recreational and tourist camps, and of local fair grounds. They keep informed concerning the proposed sinking of wells and offer their services in respect to location and structural features. They are available for consultation concerning sanitary problems of local importance.

The public health nurse in the district assists the medical officer in his work, gives demonstrations in public nursing to promote this service on a local financial basis and assists local public health nurses in every practicable way.

All of the district staff members are expected to take advantage of every opportunity so far as possible to do health educational work. Each district is provided with motion picture equipment and with other facilities for giving illustrated lectures.

In summing up, it may be said that the district health unit is the local representation of the State Department of Public Health and as such is responsible for extending the services of the Department as far as possible. As time goes on and resources increase, it may be possible to make each unit equivalent to the State Department of Public Health for all ordinary local purposes. This would include, among other functions, the routing of morbidity reports from their sources through the district offices. For the present however, the strength of the unit personnel makes impossible such detailed activity.

HEALTH LAWS OF ILLINOIS

STATE BOARD OF HEALTH

AN ACT to create and establish a board of health in the State of Illinois. [Approved May 28, 1877. L. 1877, p. 208.]

21. § 1. Repealed by Act filed July 13, 1939. L. 1939, p. 1172, S. B. No. 435.

22. POWER OF BOARD.] § 2. The State Board of Health* shall have the general supervision of the interests of the health and lives of the people of the State. They shall have supreme authority in matters of quarantine, and may declare and enforce quarantine when none exists, and may modify or relax quarantine when it has been established. The board shall have authority to make such rules and regulations and such sanitary investigations as they may from time to time deem necessary for the preservation and improvement of the public health, and they are empowered to regulate the transportation of the remains of deceased persons. It shall be the duty of all local boards of health, health authorities and officers, police officers, sheriffs, constables and all other officers and employees of the State or any county, village, city or township thereof, to enforce the rules and regulations that may be adopted by the State Board of Health.

It shall be the duty of the State Board of Health to investigate into the cause of dangerously contagious or infectious diseases, especially when existing in epidemic form, and to take means to restrict and suppress the same, and whenever any dangerously contagious or infectious disease shall become, or threaten to become epidemic, in any village or city, and the local board of health or local authorities shall neglect or refuse to enforce efficient measures for its restriction or suppression or to act with sufficient promptness or efficiency, or whenever the local board of health or local authorities shall neglect or refuse to promptly enforce efficient measures for the restriction or suppression of dangerously contagious or infectious diseases, the State Board of Health or their secretary, as their executive officer, when the board is not in session, may enforce such measures as the said board or their executive officer may deem necessary to protect the public health, and all necessary expenses so incurred shall be paid by the city or village for which services are rendered.

The State Board of Health may establish and maintain a chemical and bacteriologic laboratory for the examination of public water sup-

* State Board of Health and its officers are abolished by Chapter 127, § 35, and their powers transferred to Department of Public Health by Chapter 127, § 55, except as to the rights, powers, and duties vested by law in the State Board of Health by the Act to regulate the practice of medicine and the Act to regulate the practice of embalming; the rights, powers, and duties in respect thereto being vested in the Department of Registration and Education by Chapter 127, § 58.

plies, and for the diagnosis of diphtheria, typhoid fever, tuberculosis, malarial fever and such other diseases as they may deem necessary for the protection of the public health. [As amended by act filed May 18, 1907. L. 1907, p. 537.]

S.H.A. 111½ § 22; J.A. 58.02.

Prevention of blindness, see Medicine and Surgery, ch. 91, § 110, ante.
Rehabilitation of soldiers, see Employment, ch. 48, §§ 198-202, ante.
Duty of school officers to advise with, see Schools, ch. 122, §§ 3, 15, post.

23. § 3. Repealed by Act filed July 13, 1939. L. 1939, p. 1172, S. B. No. 435.

[§ § 4, 5 and 6 repealed by L. 1901, p. 301.]

24. PENALTIES—HOW DISPOSED OF.] § 7. Any person who violates or refuses to obey any rule or regulation of said State Board of Health shall be liable to a fine not to exceed \$200 for each offense or imprisonment in the county jail not exceed [exceeding] six months, or both, in the discretion of the court. All prosecutions and proceedings instituted by the State Board of Health for violation of their rules and regulations shall be instituted by the board or by their executive officer, and it shall be the duty of the State's Attorney in each county to prosecute all persons in his county violating or refusing to obey the rules and regulations of the State Board of Health. All fines or judgments collected or received shall be paid over to the State Treasurer and credited to the fund created for the support of the State Board of Health. [As amended by act filed May 18, 1907. L. 1907, p. 537.]

S.H.A. 111½ § 24; J.A. 58.04.

25. REGISTRATION OF PHYSICIANS, ETC., BIRTHS, ETC.] § 8. The county clerks of the several counties in the state shall be required to keep separate books for the registration of the names and post-office address of physicians and accouchers, for births, for marriages, and for deaths; said books shall always be open to inspection without fee; and said county clerks shall be required to render a full and complete report of all births, marriages and deaths to the secretary of the Board of Health, annually, and at such other times as the board may direct.

S.H.A. 111½ § 25; J.A. 58.05.

26-30. § § 9-14. Repealed by Act filed July 13, 1939. L. 1939, p. 1167, S. B. No. 435.

31. LODGING HOUSES, ETC.—SUPERVISION—INSPECTION.] § 15. The State Board of Health shall have supervision of all lodging houses, boarding houses, taverns, inns and hotels, in cities of one hundred thousand inhabitants or more, as hereinafter provided. They shall from time to time inspect, or cause to be inspected, all such lodging houses, boarding houses, taverns, inns and hotels, to see that the provisions of this act are duly and properly observed by the landlords, proprietors, keepers, managers and clerks of such lodging houses, boarding houses, taverns, inns and hotels; and any landlord, proprietor, keeper, manager, clerk, employee, or other persons connected with

any such lodging house, boarding house, tavern, inn or hotel, who shall interfere with or obstruct any such inspection, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding \$100. [As amended by act approved May 10, 1901. L. 1901, p. 304.]

S.H.A. 111½ § 31; J.A. 58.12.

32. SLEEPING ROOMS—NUMBER—SIZE—VENTILATION.] § 16. It shall be unlawful for any landlord, proprietor, keeper, manager or clerk of any lodging house, boarding house, tavern, inn or hotel, to permit any room in such lodging house, boarding house, tavern, inn or hotel, to be used or occupied for sleeping purposes, which does not contain four hundred (400) cubic feet or more of air space for each person sleeping therein at the same time; and in every room in any lodging house, boarding house, tavern, inn or hotel, containing more than one bed, the beds shall be so arranged as to leave a passageway of not less than two feet horizontally on all sides of each bed; and all beds shall be so arranged that under each of them the air shall freely circulate, and there be adequate ventilation.

Any landlord, proprietor, keeper, manager, clerk, employee, or other person connected with any lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$100 nor less than \$25. [As amended by act approved May 10, 1901. L. 1901, p. 304.]

S.H.A. 111½ § 32; J.A. 58.13.

35. § 20. Repealed by Act filed July 13, 1939. L. 1939, p. 1167, S. B. No. 435.

33. LODGING HOUSE—REGISTER—CONTENT.] § 17. The landlord, proprietor, keeper, manager, or clerk, of every such lodging house, boarding house, tavern, inn or hotel, shall keep in the office, or other public place therein, a register in which shall be entered the name and residence of every person who becomes a lodger, boarder or guest in said lodging house, boarding house, tavern, inn or hotel, and such register shall also show the number of the room or bed occupied by such person, and shall show the date of his arrival, and the period for which he engaged board or lodging. Such register shall always be accessible, without charge, to any officer, or duly authorized agent of said State Board of Health. Any landlord, proprietor, keeper, manager or clerk, of such lodging house, boarding house, tavern, inn or hotel, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of not less than \$25, and not to exceed \$100. [As amended by act approved May 10, 1901. L. 1901, p. 304.]

S.H.A. 111½ § 33; J.A. 58.14.

34. ANNUAL STATEMENT TO BE FILED WITH COUNTY CLERK.] § 18. Within thirty days from the date upon which this act shall take effect, and upon the first day of March, of each succeeding year, the landlord, proprietor, keeper or manager, of every such lodging house, boarding house, tavern, inn or hotel, shall file with the county clerk

of the county in which such lodging house, boarding house, tavern, inn or hotel is located, a written statement, sworn to by him; which statement shall contain the name of the person making the statement; whether such person is the landlord, proprietor, keeper or manager, of such lodging house, boarding house, tavern, inn or hotel; the location of such lodging house, boarding house, tavern, inn or hotel, according to the city, street and number; the period of time during which such person has been the landlord, proprietor, keeper or manager, of such lodging house, boarding house, tavern, inn or hotel; the period of time during which such lodging house, boarding house, tavern, inn or hotel has been continuously operated as such; the number of guests or persons then stopping in said lodging house, boarding house, tavern, inn or hotel; the greatest number of persons who stopped in said lodging house, boarding house, tavern, inn or hotel, upon any day within the thirty days immediately preceding the date of such sworn statement; the smallest number of persons upon any day within said period of thirty days; the total number of rooms contained in such lodging house, boarding house, tavern, inn or hotel; the number of sleeping rooms contained in such lodging house, boarding house, tavern, inn or hotel; the length and breadth of the building in which such lodging house, boarding house, tavern, inn or hotel is located; the number of stories, comprised in such building occupied by such lodging house, boarding house, tavern, inn or hotel; the complete dimensions, in feet, respectively, of the smallest and largest sleeping room contained in such lodging house, boarding house, tavern, inn or hotel, and the number of beds contained in said largest sleeping room. Such statement shall be made upon blanks furnished to the county clerk by the State Board of Health, for that purpose.

Any landlord, proprietor, keeper, or manager, of any lodging house, boarding house, tavern, inn or hotel, who fails or refuses to make and file, within and at the time herein mentioned, the statement required by this section to be made, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25, nor more than \$100. [As amended by act approved May 10, 1901, L. 1901, p. 304.]
S.H.A. 111½ § 34; J.A. 58.15.

35. § 20. Repealed by Act filed July 13, 1939, L. 1939.

35. SALE OF ANTI-TOXIN IN EACH COUNTY—AGENT—EXPENSES.]
§ 20. It shall be the duty of the Board of Health of the State of Illinois to appoint one agent in the county seat of each county in the state who shall have for distribution, as herein provided, diphtheria anti-toxin, certified to by the Board of Health of the State of Illinois, it being the duty of such agents to sell such anti-toxin at a fair and reasonable price to all physicians and others applying for and needing the same, unless the person applying for and needing the same shall be unable to purchase the same, in which case such anti-toxin shall be furnished on an order from the overseer of the poor or supervisor of township to be paid for by the respective counties in which such order is made. And, provided, further, that more than one agent may be appointed in counties where necessary for the convenience of the

people, at the discretion of the Board of Health of the State of Illinois: Providing, further, that any necessary expense incurred by the Board of Health of the State of Illinois, in the appointment of agents and in supplying such anti-toxin shall be paid from the funds appropriated for the making of investigations and the prevention of the spread of diphtheria and other contagious diseases: Providing, further, that the Board of Health of the State of Illinois be and is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this section. [Added by act approved May 13, 1905. L. 1905, p. 387.]
S.H.A. 111½ § 35; J.A. 58.16.

35a. COUNTY CLERK TO REPORT ANNUALLY ABOUT LOCAL OFFICIALS.] § 21. The county clerk of every county under township organization shall, annually before the first of May furnish the Department of Public Health the names and post office addresses of the supervisor, assessor and town clerk of every township in the county, the date when their terms of office expire and the township of which each is an official. The county clerk of every county not under township organization shall, annually before the first of December furnish the Department of Public Health the names and post office addresses of the county commissioners and the date when their terms of office expire. [Added by act approved June 27, 1923. L. 1923, p. 480.]
S.H.A. 111½ § 35a; J.A. 58.17.

35b. ANNUAL REPORT BY CLERKS OF MUNICIPALITIES.] § 22. The clerk of every city, incorporated town and village shall, annually before the first day of May furnish the Department of Public Health the name of the mayor or president of the board of trustees, the clerk, the health officer and the members of the board of health and this list shall indicate which person is charged with the enforcement of quarantine regulations. [Added by act approved June 27, 1923. L. 1923, p. 480.]
S.H.A. 111½ § 35b; J.A. 58.18.

35c. REPORT AS TO VACANCIES, APPOINTMENTS.] § 23. The county, city, incorporated town or village clerk shall promptly inform the Department of Public Health of vacancies in the offices named in sections 21 and 22 of this Act and appointments or elections to fill such vacancies. [Added by act approved June 27, 1923. L. 1923, p. 480.]
S.H.A. 111½ § 35c; J.A. 58.19.

POWERS AND DUTIES OF THE STATE DEPARTMENT OF PUBLIC HEALTH

As set forth in Section 55 of the Civil Administrative Code.
The Department of Public Health shall have power:

1. To exercise the rights, powers and duties vested by law in the State Board of Health, its secretary and executive officer, other officers and employees, except the rights, powers and duties vested by law in the State Board of Health under the Act to regulate the practice of medicine and the Act to regulate the practice of embalming:

2. To have the general supervision of the interests of the health and lives of the people of the State;

3. To act in supervisory capacity relative to the sanitary quality and adequacy of proposed and existing public water supplies, water treatment and purification works, sewer systems and sewage treatment works and to prepare and enforce rules and regulations relative to the installation and operation of public water and sewage works so that public water supplies will be of satisfactory sanitary and mineral qualities for drinking and general domestic use and nuisances will not be caused by sewage works; to determine standards of purity of drinking water; to prepare with the assistance of the State Geological Survey and enforce rules and regulations relative to the filling or sealing of abandoned water wells and holes for disposal of drainage in order to protect ground water against contamination; and to examine public swimming pools and bathing places and prepare and enforce rules and regulations governing their construction, operation and use to the end that they will be constructed and maintained in a sanitary manner. Nothing in this Act contained shall apply to or be construed in any manner to affect the property, real, personal or mixed and wherever situated, or the channels, drains, ditches and outlets and adjuncts and additions thereto and their use, operation and maintenance and the right to the flow of water therein for sewage dilution, or affect the jurisdiction, rights, power, duties and obligations of any existing sanitary district which now has a population of one million or more within its territorial limits.

4. To make such sanitary investigations as it may, from time to time, deem necessary for the preservation and improvement of public health;

5. To make examinations into nuisances and questions affecting the security of life and health in any locality in the State;

6. To maintain chemical, bacteriological and biological laboratories, to make examinations of milk, water, sewage, wastes, and other substances, and to make such diagnosis of diseases as may be deemed necessary for the protection of the people of the State;

7. To purchase and distribute free of charge to citizens of the State diphtheria antitoxin, typhoid vaccine, smallpox vaccine and other sera, vaccines and prophylactics such as are of recognized efficiency in the prevention and treatment of communicable diseases;

8. To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the promotion of health or to the security of life in this State;

9. To make investigations and inquiries with respect to the causes of disease, especially epidemics, and to investigate the causes of mortality and the effect of localities, and other conditions upon the public health, and to make such other sanitary investigations as it may deem necessary for the preservation and improvement of the public health;

10. To keep informed of the work of local health officers and agencies throughout the State;

11. To promote the information of the general public in all matters pertaining to public health;

12. To supervise, aid, direct and assist local health authorities or agencies in the administration of the health laws;

13. To enlist the cooperation of organizations of physicians and other agencies for the promotion of the public health in the improvement of health and sanitary conditions throughout the State;

14. To make sanitary, sewage, health and other inspections and examinations for the charitable, penal and reformatory institutions and the normal schools;

15. To inspect, from time to time, all hospitals, sanitarium, and other institutions conducted by county, city, village or township authorities, and to report as to the sanitary conditions and needs of such hospitals, sanitarium and institutions to the official authority having jurisdiction over them;

16. To print, publish and distribute documents, reports, bulletins, certificates and other matter relating to the prevention of diseases and the health and sanitary condition of the State. (As amended by act approved July 9, 1931. L 1931, p. 881.)

17. To establish a Division of Cancer Control which is hereby authorized to promote necessary measures to reduce the mortality from cancer. (As amended by act filed July 21, 1939. L. 1939, p. 1136, H. B. No. 1065.)

PUBLIC HEALTH BOARDS

CITIES and VILLAGES

1. *Appointment of Health Board.*

Chapter 24.—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872, L. 1871-2, p. 218.) Article V. Powers of the City Council. (Article as amended by act approved June 19, 1929, L. 1929, p. 254.)

65.75—BOARD OF HEALTH—APPOINTMENT—POWERS AND DUTIES.]
 § 76. To appoint a board of health and prescribe its powers and duties except where such city or village has adopted the provisions of "An Act to authorize cities and villages of more than 100,000 and less than 200,000 inhabitants to establish and maintain public health

boards and to levy an annual tax therefor," enacted by the sixtieth General Assembly, and maintain such board. (As amended by act approved March 20, 1937. L. 1937, p. 294.)

It is not necessary that a person be actually sick to give the health authorities the right to quarantine him, since quarantine is not a cure, but is a preventive and means the method used to confine the disease within the person in whom it is detected, or to prevent a healthy person from contracting the infection. *P. v. Robertson*, 302—422, 134 N. E. 815.

Quarantine in its very nature is not a definite or uniform measure, but must vary according to the subject, and be administered with common sense. *Id.*

A person who was found to be a carrier of the germs of typhoid fever can be quarantined within the limits of her own home, and prohibited from preparing food for others, even though she has never had typhoid fever, and there is no known cure for her condition. *Id.*

Where a city health department reported the case of a typhoid carrier to the state department of health, and requested that department to authorize a modified quarantine, the authorization of such modified quarantine in effect established the quarantine, so that city authorities, in restraining the person, were acting as agents of the state department, and the quarantine was valid. *Id.*

The health commissioner of Chicago is purely a ministerial officer, and has no right under the statute to make rules and regulations having the effect of law, nor can the city give him authority to determine when a contagious and infectious disease exists and to establish a quarantine. *P. v. Robertson*, 302—422, 134 N. E. 815.

Within the statute granting cities the power to appoint a board of health and to prescribe its duties and powers, the board must necessarily consist of more than one person, and the city council has no authority to delegate to a health officer the powers and duties which it was authorized to delegate to a board of health. *P. v. Robertson*, 302—422, 134 N. E. 815.

65.76. ESTABLISHMENT AND REGULATION OF HOSPITALS, ETC.] § 77. To erect and establish hospitals and medical dispensaries and to regulate hospitals, medical dispensaries, sanatoria and undertaking establishments, and to direct the location thereof.
S. H. A. 24 § 65.76; J. A. 21.141.

Tuberculosis hospitals, see § 542, *et seq.* post.

65.77. PROMOTION OF HEALTH.] § 78. To do all acts, make all regulations, which may be necessary or expedient for the promotion of health or the suppression of disease.
S.H.A. 25 § 65.77; J.A. 21.142.

Ordinance prohibiting use of automatic vending machines for sale of cigarettes in order to prevent sales to minors held within powers conferred on City of Chicago by statute and not unconstitutional as depriving manufacturer and lessor of such machines of their property without due process of law, or as unreasonably and arbitrarily discriminating between persons and businesses of the same general class and character. *Illinois Cigarette Service Co. v. City of Chicago*, U.S.C.C.A. Ill., 89 F.2d 610, 111 A.L.R. 749.

Arbitrary discrimination between residents and non-residents in the issuance of licenses or the fees charged will invalidate a municipal ordinance. *Larson v. City of Rockford*, 371—441, 21 N.E.2d 396.

The regulation of the dispensing of cooked food, by ordinance, is authorized as a regulation tending to promote health and suppress disease. *City of Chicago v. R. & X. Restaurant*, 369—65, 15 N.E.2d 725, 117 A.L.R. 1313.

City was vested with power, not only to regulate manufacture and sale of ice cream, but to impose inspection of license fee for regulation purposes. *City of Rockford v. Hey*, 366—526, 9 N.E.2d 317.

65.78. ESTABLISHING AND REGULATION OF CEMETERIES.] § 79. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

S.H.A. 24§ 65.78; J.A. 21.143.

See also Cemeteries, ch. 21, § § 4, 6, Ante.

65.79. ANIMALS RUNNING AT LARGE—DOG TAX.] § 80. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

S.H.A. 24 § 65.79; J.A. 21.144.

This section authorizes the city in the exercise of its police power to impose a license fee on dogs. *City of Sterling v. Berry*, 295 A. 622, 15 N.E.2d 527, transferred 367—111, 10 N.E.2d 656.

Ordinance of Chicago providing that health commissioner on being satisfied that unclaimed impounded animals were to be used for good of mankind and increase of knowledge relating to cause, prevention, control and care of disease should request police commissioner to surrender such animals as applied for by institutions of learning, hospitals or their allied institutes in city of Chicago, and that police commissioner should cause animals to be surrendered by poundmaster held not invalid as improper delegation of power. *Illinois Anti-Vivisection Soc. v. City of Chicago*, 289 A. 391, 7 N.E. (2d) 379.

65.80. REGULATION OF PACKING HOUSES, ETC.] § 81. To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories, and tanneries within the limits of the city or village, and within the distance of one mile without the city or village limits.

S.H.A. 24 § 65.80; J.A. 21.145.

65.81. REGULATION OF GARAGES, STABLES, BATHING BEACHES, ETC.] § 82. To direct the location and regulate the use and construction of breweries, distilleries, livery, boarding or sale stables, blacksmith shops, foundries, machine shops, garages, laundries, and bathing beaches, within the limits of the city or village.

S.H.A. 24 § 65.81; J.A. 21.146.

The question whether a particular business comes within the municipal power to license, regulate and tax granted by statute must be determined by the general character and scope of that business. *City of Chicago v. Ingersoll Steel & Disc Division of Borg-Warner Corporation*, 371—183, 20 N.E.2d 287.

The statutory authorization of cities and villages to direct location and regulate use and construction of public garages is a valid exercise of the police power. *City of Chicago v. Ben Alpert, Inc.*, 368—282, 13 N.E.2d 987.

A classification, in an ordinance, will be sustained if it is reasonably adapted to secure the purpose for which it is intended and not purely arbitrary. *Stearns v. City of Chicago*, 368—112, 13 N.E.2d 63, 114 A.L.R. 1507.

65.82. OFFENSIVE BUSINESSES AND ESTABLISHMENTS.] § 83. To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

S.H.A. 24 § 65.82; J.A. 21.147.

65.83. NAUSEOUS HOUSES OR PLACES.] § 84. To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable,

pigsty, privy, sewer, or other unwholesome or nauseous house or place to cleanse, abate or remove the same, and to regulate the location thereof.

S.H.A. 24 § 65.83; J.A. 21.148.

Classification of industries, see § 66, *et seq.*, post.

89. QUALIFICATION OF OFFICERS.] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village and who shall not have resided therein at least one year next preceding his election or appointment: Provided, however, that in cities or villages of less than 200,000 population according to the last preceding Federal or State census, the above qualifications shall not apply to the appointment or election of city engineer, or health officers, or officers of whom technical training or knowledge is required in incorporated cities and villages, or to attorneys in incorporated villages, but no person shall be eligible to any office in any such city, village or incorporated town who is a defaulter to the corporation. [As amended by act approved June 25, 1917. L. 1917, p. 258.]

S.H.A. 24 § 89; J.A. 21.180.

See Officers, ch. 102, post.

2. *Between 100,000 and 200,000 population.*

Chapter 24—An Act to authorize cities and villages of more than 100,000 and less than 200,000 inhabitants to establish and maintain public health boards and to levy an annual tax therefor. (Approved March 4, 1937. L. 1937, p. 307.)

65.75 a.—Establishment of public health board in cities and villages between 100,000 and 200,000 population.

65.75 b.—Referendum.

65.75 c.—Appointment of board of directors.

65.75 d.—Terms of directors—Removal.

65.75 e.—Vacancies—Interest in purchases or sales.

65.75 f.—Organization and duties of public health board.

65.75 g.—Rules and regulations of board.

65.75 h.—Penalty for violation of rules and regulations.

65.75 i.—Discontinuance of public health board.

65.75 j.—Referendum on discontinuance.

65.75 k.—Form of ballot.

65.75 l.—Transfer of moneys in public health board fund.

3. *Counties and Townships.*

Chapter 34—An Act to create and establish boards of health in counties not under township organization and in townships in counties under township organizations outside of the corporate limits of incorporated cities and villages to prescribe their duties and powers and provide for enforcing the same. (Approved May 10, 1901. L. 1901, p. 91.) Chapter 34—Sec. 148-152. (Amended May 16, 1903.)

§ 1. The board of county commissioners in counties not under township organization, and the supervisor, assessor and town clerk of every town in counties under township organization, shall constitute a board of health, and on the breaking out of any dangerously communicable disease in their county or town, or in the immediate

vicinity thereof, it shall be their duty to make and enforce such rules and regulations tending to check the spread of the disease within the limits of such county or town as may be necessary; and for this purpose they shall have power to quarantine any house or houses or place where any infected person may be, and cause notices of warning to be put thereon, and to require the disinfection of the house or place: *Provided*, that nothing in this Act shall apply to any territory lying within the corporate limits of any incorporated city or village: *Provided, further*, that in case the board of health in any county not under township organization, or of any township in counties under township organization shall fail, refuse or neglect to promptly take the necessary measures to preserve the public health, or in case any such board of health shall refuse or neglect to carry out the rules and regulations of the State Board of Health, that thereupon the State Board of Health may discharge such duties and collect from the county or township, as the case may be, the reasonable costs, charges and expenses incurred thereby.

§ 2. The said boards of health shall have the following powers:

First—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Second—To appoint physicians as health officers and prescribe their duties.

Third—To incur the expenses necessary for the performance of the duties and powers enjoined upon the board.

Fourth—To provide gratuitous vaccination and disinfection.

Fifth—To require reports of dangerously communicable diseases.

§ 3. Any person who shall violate or refuse to obey, any rule or regulation of the said board of health, shall be liable to a fine not exceeding \$200 for each offense, or imprisonment in the county jail not to exceed six months, or both, in the discretion of the court.

All fines collected under the provisions of this Act shall be paid into the county treasury of the county in which the suit is brought, to be used for county purposes, and it shall be the duty of the State's attorney in the respective counties to prosecute all persons violating, or refusing to obey, the rules of said local boards of health.

§ 4. The clerk of the board of county commissioners, or the town clerk, as the case may be, shall keep a full record of all the doings of said board and report the same to the annual meeting of such board of county commissioners, or town board.

§ 5. The members of said boards of health shall be allowed for the time spent in the performance of their said duties, each the sum of \$1.50 per day, which, together with all bills by them contracted and all sums of money by them expended, shall be audited and paid in the same manner as other county and town expenses.

S.H.A. 34 § 148—152.

WATER AND WATER SUPPLY

CITIES AND VILLAGES

1. *Powers of the city council.*

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

- 47 —
- 65.12 —Openings in streets.
- 65.39 —Purification of waters, etc.
- 65.56 —Vaults, cisterns, gutters, sewers, etc.
- 65.100a—Control of municipal property outside limits of city or village.
- 130 —Water—Borrow money.
- 131 —Acquiring property for water works—Jurisdiction over.
- 132 —Regulation—Rates, taxation, etc.

2. *Annexation.*

Chapter 24—An Act to provide for the annexation of cities, incorporated towns and villages, or parts of the same, to cities, incorporated towns and villages. (Approved April 25, 1889. L. 1889, p. 66.)

397—Annexed territory to have use of water works, etc.

3. *Waterworks—General.*

Chapter 24—An Act enabling Cities, Villages and Incorporated Towns to contract for water supply for public use and making provision for means of payment for water supplied and repealing a certain act therein named. (Approved July 7, 1927, L. 1927, p. 336.)

423—Municipality may contract for water supply.

424—Payment for water.

Chapter 24—An Act to enable cities, incorporated towns and villages to purchase or lease waterworks. (Approved April 15, 1873. L. 1873, p. 190.)

427—Construction for water supply—Letting contract.

428—May borrow money and levy tax.

429—Acquisition of property for works, etc.

430—Water tax and rates—Liens—Protection of impounding reservoir.

431—Power to make special assessments.

432—Water rents to be kept in separate fund.

433—When act shall not apply.

Chapter 24—An Act to enable cities and villages to buy, construct or enlarge waterworks and to provide for the management thereof, and giving them the authority to levy an annual tax and to pledge the same in payment thereof. (Approved April 19, 1899; L. 1899, p. 108.)

447—Power to levy annual tax.

448—Contract for purchase—levy of tax to pay price and interest.

449—Submission to voters.

450—Power of municipal body if ratified by voters.

451—Power to issue bonds.

452—Maturity of bonds.

453—Form of bonds—Interest coupons.

454—Water rentals to be sufficient to pay principal and interest of bonds.

455—Adjoining municipalities may create water district.

456—Construction of act.

Chapter 24—An Act to provide for the purchase, construction and improvement of waterworks systems in cities, villages and incorporated towns in the State of Illinois, and to provide for the issuance of revenue bonds payable solely out of the revenues derived therefrom, and to provide for the operation of such systems in case of deficiencies in revenues. (Approved July 8, 1927. L. 1927, p. 337.)

456a —Municipalities may acquire or improve waterworks.

456b —Authority construed.

456c —Financing costs—bonds—water rates.

456d —Public hearing.

456e —Issuance of bonds.

456f —Bonds not a debt of municipality.

456g —Bonds secured by lien on water system.

456h —Rates—surplus in operating receipts.

456i —Exercise of eminent domain.

456j —Issuance of bonds for improving water system.

456k —Keeping of accounts—Funds to be kept separate.

456l —Exchange of water revenue certificates for refunding revenue bonds.

456m—Partial invalidity of act.

Chapter 24—An Act to aid cities owning or operating water works to secure an additional or better supply of pure water. (Approved May 27, 1881. L. 1881, p. 157.)

437—Powers, etc., granted.

438—Raising money—Submission to vote.

Chapter 24—An Act to further enable cities, villages and incorporated towns to lease, purchase or construct water and sewer systems, provide for the payment of the same and any indebtedness thereon and contracts therewith. (Approved May 20, 1907. L. 1907, p. 201.)

457—May purchase or lease water works or sewerage system—Submission to voters.

458—May mortgage water works or sewerage system.

459—May borrow money and levy tax.

460—May contract for water supply.

4. *Waterworks—Cities of less than 500,000.*

Chapter 24—An Act authorizing any city, village or incorporated town having a population of less than 500,000 to build or purchase, and to operate a water works or water supply system either within or without the corporate limits thereof, and to improve and extend a water works system or water supply for public and domestic use, and to provide for the cost thereof by the issue of revenue bonds payable solely from revenue derived from the operation thereof. (Approved April 22, 1899. L. 1899, p. 104.)

440—May build, purchase, extend and operate water system.

441—Issuance of revenue bonds.

442—Form of ordinance—Bonds not city debt—Referendum.

443—Proceeds from operation in separate fund.

444—Rates for water—Suits to compel compliance.

445—Referendum on bonds dispensed with except as provided.

446—Construction of Act.

Chapter 24—An Act authorizing any city, village or incorporated town having a population of less than 500,000 to issue refunding revenue bonds, payable solely from the revenues of a municipally owned water utility. (Approved July 3, 1935. L. 1935, p. 367.)

460e 1—Issuance of refunding bonds payable out of water revenues in cities and villages of less than 500,000.

460e 2—Ordinance—Bonds.

460e 3—Release of indenture of mortgage, deed of trust.

460e 4—Use of water revenue.

460e 5—Rates for service.

460e 6—Publication of ordinance.

460e 7—Exchange or sale of bonds.

460e 8—Appraising bondholders—Agreements—Expenses.

460e 9—Powers cumulative.

5. *Waterworks—Cities of 500,000 or more.*

Chapter 24—An Act authorizing cities having a population of 500,000 or more, and owning or operating a water works system to issue certificates of indebtedness, payable solely from revenue derived from the operation thereof, for the purpose of improving and extending such waterworks systems. (Approved June 25, 1929. L. 1929, p. 273.)

460a—Issuance of certificates of indebtedness to extend water system in cities of over 500,000.

460b—Ordinance—Certificates payable from water revenue.

460c—Revenue placed in water fund.

460d—Signatures on certificates.

460e—Referendum unnecessary.

Chapter 24—An Act to validate water fund certificates issued by cities having a population of 500,000 or more. (Approved June 10, 1929. L. 1929, p. 273.)

460f—Water fund certificates validated.

6. *Waterworks—Cities of 25,000 or more but less than 500,000.*

Chapter 24—An Act authorizing any city having a population of twenty-five thousand (25,000) or more, but less than five hundred thousand (500,000) owning or operating a waterworks system, to contract for the filtration and treatment of its water supply to be paid for solely from revenues derived from the operation of said waterworks system and to enable such city, at its option, to purchase or otherwise acquire such plants and equipment as may be constructed for such purpose. (Filed July 7, 1933. L. 1933, p. 281.)

460h—May contract for filtration and treatment of water supply.

460i—Ordinance—Terms of contract—Rates.

460j—Option to purchase treatment plant.

460k—Adequate rates.

460l—Revenue held in special fund.

460m—Compelling performance of contract.

460n—Payment by city only out of water revenues.

460o—Referendum unnecessary.

460p—Partial invalidity.

7. *Location of source of supply.*

Chapter 24—An Act to enable any water company now or hereafter organized under the laws of this State, to change or locate its source of supply beyond the limits of the city, town or village supplied, or whose inhabitants are supplied with water by such company; and for that purpose empowering such company to take or damage private property for pipe lines to such source of supply and for pumping stations, reservoirs or other appurtenances, and to construct maintain and operate such pipe lines in and under any public or private road, highway, street or public grounds, and across or under any of the waters within this State, and across or under any railroad right-of-way; and to prescribe penalties for interfering with or destroying the property or rights of such company. (Approved June 19, 1893. L. 1893, p. 81.)

434—Location of source of supply outside city.

435—Right to exercise eminent domain.

436—Interfering or injuring prohibited—Penalty.

8. *Waterworks—Joint ownership and operation.*

Chapter 24—An Act to provide for the joint acquisition and operation of a waterworks or a common source of supply of water or both by certain cities, villages and incorporated towns and authorizing the issuance of bonds for such acquisition and for improvements since extensions thereto, secured only by the revenues derived from the operation thereof. (Approved July 6, 1935 L. 1935, p. 553. As amended June 13, 1940, L. 1940, First Special Session p. 11.) (Ill. Rev. Stat. p. 466.)

460. 1—Joint operation of water system by abutting municipalities.

460. 2—Water commission—Terms—Bonds.

460. 3—Organization of commission—Management of water system.

460. 4—Issuance of revenue bonds.

460. 5—Use of revenue—Service charges.

460. 6—Construction of act.

9. *Water rates and taxes.*

Chapter 24—An Act to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual company or corporation to any such city, town or village and the inhabitants thereof. (Approved June 6, 1891, L. 1891, p. 85.)

439—Rates may be fixed by ordinance.

Chapter 24—An Act in relation to the levy and collection of taxes for sewerage and waterworks in cities of this State, that may have established a system of sewerage and waterworks for such city, and to repeal an act therein named and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light. (Approved June 21, 1883. L. 1883, p. 68.)

484—Water fund tax.

10. *Combined waterworks and sewerage system.*

Chapter 24—An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal water works and sewerage system, the means of financing the same, and in connection herewith the refunding of securities previously issued for any existing water works or sewerage system, or both, and the imposition and collection of charges and rates for the use thereof, in cities, villages and incorporated towns having a population of less than 500,000. (Approved May 15, 1934. L. 1933-34, Third Sp. Sess., p. 136.)

490t 1—Terms defined.

490t 2—Acquisition and operation of combined water and sewerage system.

490t 3—Moneys to defray cost—Issuance of revenue bonds.

490t 4—Refunding outstanding revenue bonds.

490t 5—Adoption of ordinance.

490t 6—Publication of ordinance. Petition for referendum.

490t 7—Bonds payable from revenues from operation.

490t 8—Adoption of rules, regulations—Service charges.

490t 9—Use of revenue from operation—Bonds validated.

490t 10—System of accounts—Annual audit.

490t 11—Compelling performance of duties.

490t 12—Eminent domain.

490t 13—Except as herein provided, referendum unnecessary.

490t 14—Act in addition to present powers.

490t 15—Partial invalidity.

11. *Water districts.*

Chapter 24—An Act to provide for the organization of water districts to enable certain territory to procure pure water. (Approved June 5, 1911. L. 1911, p. 190.)

461—Petition to county judge—Limitation on territory—Wards—Hearing—Submission to vote—Organization.

462—Judicial notice of district—Election of officers.

463—Trustees—Term of office, etc.

464—Board of trustees—Powers—Appointment of employes—Compensation.

465—Ordinances to take effect ten days after publication.

466—Proof of ordinance.

467—Powers and duties of trustees.

468—Acquisition and disposition of property.

469—May borrow money and issue bonds—Limitation.

470—Shall fix rates—Operating expenses—General tax.

471—Contracts to be let by bids.

472—Tax levy—Interest on deposits.

473—Proceedings to condemn.

474—May acquire public property.

475—Liability for damages.

476—Judge, justice, or jurors not incompetent because inhabitant.

477—Control over property—Inspection—Waste of water.

478—Diverting water, etc.—Penalty.

479—Construction of act.

480—May use highways, streets and alleys for pipes, etc.

12. *Local Improvements*

Chapter 24—An Act concerning local improvements. (Approved June 14, 1897. L. 1897, p. 102.)

698—Powers conferred.

714—Water works system—Thirty installments.

733—Water works and sewage system—Annual tax levy—Public benefit fund—Referendum—Issuance of warrants.

796—Bonds lien on water works system.

797—Water works fund.

13. *Township Organization*

Chapter 139—An Act to revise the law in relation to township organization. (Approved March 4, 1874. R. S. 1874, p. 106.)

39—Powers of town meeting.

12—To construct and keep in repair public wells or other watering places and regulate the use thereof.

14. *Drainage—River Conservancy Districts*

Chapter 24—An Act to create River Conservancy Districts for river control, sanitation, development of water supply, navigation and protection of fish life. (Approved July 11, 1925. L. 1925, p. 346.)

394—Power to acquire land—build works, etc. Sale of water.

15. *Criminal Code*

Chapter 38—An Act to revise the law in relation to criminal jurisprudence. (Approved March 27, 1874. R. S. 1874, p. 348.)

436—To water, etc.

466—Enumeration (of nuisances with regard to water).

479—Punishment (for poisoning springs, wells, etc.).

16. *Milk and Milk Products*

Chapter 56½—An Act in relation to Grade A Milk and Grade A Milk Products. (Approved July 19, 1939. L. 1939, p. S. B. No. 287.) See Page 62.

140—Water supply.

17. *Oil Inspection*

Chapter 104—An Act to require the reporting of information essential for the sealing of wells to prevent escape of oil, gas, salt or fresh water or other materials from one stratum to another through such wells. (Approved July 11, 1939. L. 1939, p. H. B. No. 1079.)

34—Logs of wells to be filed in Geological Survey Office—Contents of logs.

35—Drill cuttings, collection of for Geological Survey.

18. *Mines and Miners*

Chapter 93—An Act in relation to the sinking, filling and operating of wells for oil, gas, water or other purposes. (Approved May 16, 1905. L. 1905, p. 326.)

89—Sealing off fresh water—Use of controlled pressure.

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19. *Parks*

Chapter 105—An Act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water. (Approved June 24, 1895. L. 1895, p. 272.)

292—Rights reserved (of municipalities to lay and repair water mains in park district).

20. *Employment*

Chapter 48—An Act providing for the protection and safety of persons in and about the construction, repairing, alteration, or removal of buildings, bridges, viaducts, and other structures and to provide for the enforcement thereof. (Approved June 3, 1907. L. 1907, p. 312.)

64—Water pipe, smoke stack tower, etc.

SANITARY WATER BOARD

Chapter 19—An Act to establish a sanitary water board and to control, prevent and abate pollution of the streams, lakes, ponds and other surface and underground waters in the State. (Approved June 25, 1929. In force July 1, 1929. L. 1929, p. 386.)

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

129. SANITARY WATER BOARD—MEMBERS, TECHNICAL SECRETARY. MEETINGS.] § 1. There is hereby created and established a sanitary water board consisting of the Director of the Department of Public Health; the Director of the Department of Agriculture; the Director of the Department of Conservation; the Director of the Department of Purchases and Construction* and a representative of the manufacturing interests of the State to be appointed by the Governor who shall hold office for four years or until his successor shall have been appointed and qualified. The director members of the board shall receive no additional compensation for their services as members of the board other than that provided by law or by appropriation by the legislature for their respective positions as directors of State departments. The member appointed by the Governor shall receive no compensation for his services, but he shall receive necessary traveling expenses for any meeting of the board or for trips which he may make in connection with the work of the board, which traveling expenses shall be paid out of the regular traveling appropriations made to the respective departments.

The sanitary water board shall hold at least six regular meetings each calendar year at the office of one of the members and at times to be fixed by the board. The board shall select at its first meeting following the passage and approval of this Act, one of its members to

* Now Director of Public Works and Buildings by Act approved June 20, 1933 to amend sections 3, 4, 5, 6, 7, 9, 13, 28, 36, 40, 49, 50, 51, 52, 56 and 58 of "The Civil Administrative Code of Illinois".

serve as chairman and at the first regular meeting in each calendar year thereafter the chairman for the ensuing year shall be selected. The chief sanitary engineer of the Department of Public Health shall serve as technical secretary of the board. He shall receive no additional compensation for such services and during the interim between meetings of the board he shall handle such correspondence, make or arrange for such inspections and investigations and obtain, assemble or prepare such reports and data as the board may direct and authorize. Special meetings may be called by the chairman or by two members of the board by delivery of written notice at the office of each member of the board. Three members of the board shall constitute a quorum.

130. POWERS AND DUTIES OF BOARD—POLLUTION DEFINED.] § 2. It shall be the duty of the sanitary water board to study, investigate, and from time to time, determine ways and means of eliminating from the streams and waters of the State, so far as practicable, all substances and materials which pollute, or tend to pollute, the same, and to determine methods, as far as practicable, of preventing pollution that is detrimental to the public health, or to the health of animals, fish, or aquatic life, or detrimental to the practicable use of the waters for recreational purposes.

For the purposes of this Act, pollution shall be regarded as existing in any of said waters, if, as the result of any discharge of any liquid or solid substances, the quality of any of said waters, after reasonable treatment, is impaired for public water supply, bathing or recreational purposes, if said waters were reasonably capable for use for public water supply, bathing or recreational purposes before the discharge occurred of which complaint has been made to said sanitary water board; or, if obnoxious odors result from such discharge into any of said waters near buildings, roads and lands occupied or used by human beings, *provided* that odors shall not be deemed to be obnoxious in any case where the sanitary water board has determined that the discharge causing such odors does not constitute pollution within the meaning of this Act; or, if the quality of any said waters is impaired for the use of live stock, or kills, or is injurious to fish life, when said waters were reasonably practicable for use for watering live stock or for fish life.

The sanitary water board shall have the right to decide and define where such pollution exists and it is hereby given exclusive jurisdiction for that purpose.

131. "SEWAGE," ETC., DEFINED.] § 3. "Sewage" as used in this Act includes the water-carried wastes created in and conducted away from residences, public buildings, institutions, industrial establishments or any buildings in which such wastes are produced, together with such underground, surface and storm water as may be present. "Sewerage system" as used herein includes all structures, conduits, pipe lines and treatment works by which sewage is collected, carried or treated and discharged except the plumbing systems inside buildings and the drain pipe from buildings to street sewers.

132. PERMIT REQUIRED FOR INSTALLATION OF OR CHANGE IN SEWERAGE SYSTEM.] § 4. No sewerage system which proposes to discharge into any of the aforesaid waters sewage or any other liquid or solid substance of a decomposable or putrescible, acid or other character, which may cause pollution of any of the aforesaid waters of the State, shall be installed until a written permit for such sewerage system has been granted by the sanitary water board. No changes, additions or extensions to any existing sewerage systems discharging into any of the aforesaid waters, including changes or additions to or extensions of the method of treating or disposing of the sewage, shall be made until plans for such changes, additions or extension shall have been submitted to and a written permit obtained from the sanitary water board. *Provided, however,* that no permit shall be required for any new sewer system or changes or additions to or extensions of existing system that receive or may receive only domestic or sanitary sewage from a building housing or occupied by fifteen persons or less.

133. PLANS AND SPECIFICATIONS TO BE SUBMITTED BEFORE PERMIT ISSUED.] § 5. Plans and specifications for any sewerage system covered by this Act shall be submitted to the sanitary water board before a written permit may be issued and the construction of any such sewerage system shall be in accordance with said plans and specifications. In case it shall be necessary or desirable to make material changes in such plans or specifications, revised plans or specifications, together with the reasons for the proposed changes shall be submitted to the sanitary water board for a supplemental written permit.

134. MAY REQUIRE OWNER OF SEWERAGE SYSTEM TO SUBMIT PLANS.] § 6. The sanitary water board may require any owner of a sewerage system discharging into any of the aforesaid waters to file with it complete plans of the whole or of any part of such system and any other information and records concerning the installation and operation of such system.

135. PROCEDURE FOR REVIEW OF PLANS.] § 7. The sanitary water board shall have the right to establish procedure for the review of any plans, specifications or other data relative to any sewerage system, written permits for which are required by this Act, and may make use of such assistance for such review as existing State departments and divisions may be able to render.

136. RULES FOR SUBMISSION OF PLANS.] § 8. The sanitary water board shall have the right to adopt and enforce rules and regulations governing the method and manner under which plans, specifications or other data relative thereto shall be submitted for sewerage systems or for additions or changes to or extensions of such systems.

137. ORDER TO DISCONTINUE DISCHARGE—NOTICE—HEARING.] § 9. Whenever the sanitary water board shall determine that sewage or any other liquid or solid substance of a decomposable or putrescible, acid or other character, is being discharged into any of the aforesaid waters and when, in the opinion of the sanitary water board, such discharge causes pollution as defined by this Act, the sanitary water

board may order whomever causes such discharge to show cause before said board why such discharge should not be discontinued. A notice shall be served on the offending party directing him or it to show cause before the said sanitary water board, on a date specified in such notice, why an order should not be made directing the discontinuance of such discharge. Such notice shall specify the time when and the place where a public hearing will be held by the sanitary water board and notice of such hearing shall be served personally or by registered mail at least ten (10) days before said hearing; and in the case of a municipality or a corporation such service shall be upon an officer thereof. The sanitary water board shall take evidence with reference to said matter and may issue an order to the party responsible for such discharge, directing that within a specified period of time thereafter such discharge be discontinued unless adequate treatment works shall have been installed or existing adequate treatment works be properly operated.

138. REVOCATION, MODIFICATION OF PERMIT.] § 10. Any permit authorized and issued under the provisions of this Act may, when necessary, in the opinion of said board, to prevent or abate pollution of any of the aforesaid waters, be revoked or modified by the sanitary water board after investigation, notice and hearing, as provided in section nine of this Act.

139. INVESTIGATION OF SANITARY QUALITIES OF WATERS.] § 11. The sanitary water board shall have power to examine and investigate the sanitary quality of and establish standards of purity for any of the aforesaid waters and for those purposes the members thereof or its employees or representatives may enter and cross all lands in this State without doing damage to private property.

140. CONTINUED POLLUTION TO BE CONSIDERED NUISANCE.] § 12. If the pollution of any of the aforesaid waters within the meaning of this Act is continued contrary to orders of the sanitary water board, it shall constitute a nuisance which may be abated in actions commenced and maintained by the Attorney General in the name of the People of the State of Illinois in the manner in which other nuisances are abated.

141. FILING COMPLAINT OF POLLUTION.] § 13. Whenever any complaint or pollution of any of the aforesaid waters shall be filed with the sanitary water board it shall be the duty of the board to have such engineering, analytical, bacteriological, chemical, biological and other studies made as may be necessary, and if the pollution is found to exist, it shall be the duty of the sanitary water board to proceed as provided in this Act.

142. PENALTIES.] § 14. Whoever violates any provisions of this Act or fails to comply with any order of the sanitary water board in accordance with the provisions of this Act shall be fined one hundred dollars (\$100.00). Each day's continuance of such violation or failure shall constitute a separate offense. The penalties provided in this section shall be recoverable by the People of the State of Illinois upon the suit of the Attorney General as debts are recoverable at law.

143. MUNICIPALITIES MAY INSTALL OUTLETS FOR SEWAGE SYSTEMS.] § 15. Cities, villages and incorporated towns shall have power to install and maintain outlets, discharging into the aforesaid waters, for sewage systems constructed prior or subsequent to the taking effect of this Act and subject to the provisions of this Act.

144. ACT NOT TO AFFECT CERTAIN SANITARY DISTRICTS.] § 16. Nothing in this Act contained shall apply to or be construed in any manner to affect the property, real, personal or mixed, wherever situated, or the channels, adjuncts and additions, drains, ditches and outlets, and their use, operation and maintenance and the right to the flow of water therein, and in rivers, streams and navigable waters connected thereto, for sewage, dilution, nor affect the jurisdiction, rights, powers, duties and obligations of any existing sanitary district which now has a human population of one million or more within its territorial limits.

145. PARTIAL INVALIDITY.] § 17. If any section, subdivision, sentence or clause in this Act shall be held to be unconstitutional, the unconstitutionality thereof shall not affect the remaining parts of this Act.

SEWERAGE AND SEWAGE DISPOSAL

1. *Cities and Villages—Power of the City Council*

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

65.12 —Openings in streets.

65.28 —Culverts, drains, sewers, etc.

65.56 —Vaults, cisterns, gutters, sewers, etc.

65.83 —Nauseous houses or places.

65.88 —Streets and sewers through or under railroad.

65.88½—Collection and disposal of sewage outside cities and villages.

Chapter 24—An Act to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages. (Approved April 25, 1889. L. 1889, p. 66.)

405—Continuation of construction of sewers.

Chapter 24—An Act to further enable cities, villages and incorporated towns to lease, purchase, or construct water and sewer systems, provide for the payment of the same and any indebtedness thereon and contracts therewith. (Approved May 20, 1907. L. 1907, p. 201.)

457—May purchase or lease water works or sewerage system—
Submission to voters.

458—May mortgage water works or sewerage system.

459—May borrow money and levy tax.

460—May contract for water supply.

Chapter 24—An Act to enable cities, villages, incorporated towns and other municipal corporations to contract with each other for sewerage. (Approved May 14, 1879. L. 1879, p. 75.)

- 481 —May contract for sewerage, etc.
- 482 —Contract by ordinance or resolution.
- 482a—Validates prior contracts.

Chapter 24—An Act authorizing cities, villages, and incorporated towns to contract with certain sanitary districts in relation to sewage. (Approved July 5, 1933. L. 1933, p. 276.)

- 482b—May contract with sanitary district for sewage disposal.

Chapter 24—An Act in relation to the levy and collection of taxes for sewerage and waterworks in cities of this State, that may have established a system of sewerage and waterworks for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light. (Approved June 21, 1883. L. 1883, p. 68.)

- 483—Sewerage fund tax.

Chapter 24—An Act to authorize cities, villages and incorporated towns of 100,000 population and under to construct outlet sewers, reservoirs and pumping works and machinery and plants for said sewage and maintaining and keeping in repair the same, the cost thereof to be defrayed by special assessment or special taxation, and if the assessment is paid by installments, to issue bonds to anticipate the deferred installments. (Approved March 8, 1910. L. 1910, p. 4.)

- 485—Corporate authorities may construct outlet sewers, etc.
- 486—Cost may be borne by special assessment or by special taxation.
- 487—May acquire property for right of way, etc.
- 488—Ordinance.
- 489—Proceedings to be under local improvement act of 1897.
- 490—Bonds.

Chapter 24—An Act in relation to sewage disposal plants and necessary connecting and outlet sewers for municipalities in Illinois and adjoining municipalities in other states. (Approved July 9, 1931. L. 1931, p. 374.)

- 490a—Construction and operation of sewage disposal plant by Illinois municipality and adjacent municipality in another State.
- 490b—Municipality of another State may own and operate sewage plant in this State.
- 490c—Use by Illinois municipality of plant operated by foreign municipality.
- 490d—Use by foreign municipality of plant owned by Illinois municipality.
- 490e—Plant of foreign municipality exempt from taxation in this State.
- 490f—Power of foreign municipality to condemn property in this State.
- 490g—Construction and purpose of this Act.

Chapter 24—An Act authorizing cities, villages and incorporated towns and sanitary districts, having a population of less than 500,000 to construct or acquire, improve and extend a sewerage system, impose and collect charges and rates for the use thereof, issue revenue bonds payable solely from the revenue

derived from the operation of such system or improvement or extension in payment thereof, to provide for the operation of such sewerage systems, and contract in relation thereto. (Filed July 13, 1933. L. 1933, p. 276.)

- 490h —Definitions.
- 490i —Construction, acquisition of.
- 490j —Ordinance.
- 490k —Bonds payable only from sewerage revenues.
- 490l —Revenue held in special fund.
- 490m —Rules and regulations—Sewerage rates.
- 490n —System of accounts—Annual audit.
- 490o —Compelling performance of duties.
- 490p —Eminent domain.
- 490p 1—Contracts by sanitary district and municipalities. Sewerage charges to inhabitants of municipalities.
- 490p 2—Sewerage system for particular locality in municipality—Issuance of revenue bonds.
- 490p 3—Resolution for sewerage system for particular locality—Hearing.
- 490p 4—Notice of hearing.
- 490p 5—Conduct of hearing—Adoption of resolution.
- 490p 6—Rules and regulations—Sewerage charges.
- 490p 7—Resolution for bond issue.
- 490p 8—Publication of ordinance—Effective date.
- 490p 9—Use of revenues received.
- 490p 10—Sewerage system for particular locality—Revenue bonds.
- 490q —Act not in limitation of present powers.
- 490r —Referendum not required.
- 490rl —Partial unconstitutionality.

Chapter 24—An Act to provide for a tax for the operation and maintenance of sewage treatment and disposal plants in municipalities which are not in any sanitary district. (Approved May 2, 1932. L. 1931-2. First Sp. Sess. p. 26.)

- 490s—Tax levy for sewage plant.
- 490t—Referendum.

Chapter 24—An Act providing for the acquisition, construction, extension, improvement, maintenance and operation of a combined municipal water works and sewerage system, the means of financing the same, and in connection therewith the refunding of securities previously issued for any existing waterworks or sewerage systems, or both, and for the use thereof, in cities, villages and incorporated towns having a population of less than 500,000. (Approved May 15, 1934. L. 1933-34, Third Sp. Sess., p. 136.)

- 490t 1—Terms defined.
- 490t 2—Acquisition and operation of combined water and sewerage system.
- 490t 3—Moneys to defray cost—Issuance of revenue bonds.
- 490t 4—Refunding outstanding revenue bonds.
- 490t 5—Adoption of ordinance.
- 490t 6—Publication of ordinance—Petition for referendum.
- 490t 7—Bonds payable from revenues from operation.
- 490t 8—Adoption of rules, regulations—Service charges.
- 490t 9—Use of revenue from operation—Bonds validated.
- 490t 10—System of accounts, Annual audit.
- 490t 11—Compelling performance of duties.
- 490t 12—Eminent domain.

490t 13—Except as herein provided, referendum unnecessary.

490t 14—Act in addition to present powers.

490t 15—Partial invalidity.

Chapter 24—An Act to authorize cities, villages and incorporated towns to levy a tax for the redemption of defaulted revenue bonds, and accrued interest thereon, issued for the purpose of constructing or acquiring sewerage systems. (Approved July 22, 1939. L. 1939, p. 399, H. B. No. 589.)

490t 16—Definitions.

490t 17—Defaulted sewerage system bonds—Levy of tax to pay.

490t 18—Adoption of act—Submission to voters.

Chapter 24—An Act validating, ratifying, approving, and confirming certain bonds and other instruments or obligations heretofore issued, and validating, ratifying, approving and confirming certain proceedings heretofore taken, by (Filed July 13, 1937. L. 1937, p. 939.)

664.5—Title of act.

664.6—Definitions.

664.7—Bonds for projects as to which Federal loans or grants have been made.

664.8—Proceedings for financing projects validated.

Chapter 24—An Act concerning local improvements. (Approved June 14, 1897. L. 1897, p. 102.)

698—Powers conferred.

733—Water works and sewage system—Annual tax levy—Public benefit fund—Referendum—Issuance of warrants.

Chapter 24—An Act authorizing cities, villages and incorporated towns which have heretofore entered into agreements with the Federal Government and have received or will receive Federal grants for the construction, extension, improvement or repair of streets, sewerage systems or water systems, to levy a special tax or assessment upon the property benefited and to issue bonds in anticipation of the collection of such special tax or assessment. (Approved March 3, 1936. L. 1935-6, First Sp. Sess. p. 39.)

808.1—Special tax or special assessment—Bonds to anticipate collection.

808.2—Ordinance.

808.3—Petition to levy assessment—Assessment of cost.

808.4—Property assessed separately.

808.5—Form of assessment roll—Notice of improvement.

808.6—Division of assessment into installments.

808.7—Notice for confirmation of assessment.

2. *Sanitary Districts and Sewage Disposal.*

Chapter 42—An Act to create sanitary districts in certain localities, to drain and protect the same from overflow for sanitary purposes and to provide for sewage disposal. (Approved May 17, 1907. L. 1907, p. 289.)

247 —How incorporated—Name and description in petition.

248 —Judges to constitute board of commissioners—Time and place for meeting.

249 —Submission of proposition—Notices—Canvass—Record.

250 —Election of corporate authorities.

- 251 —Trustees—Number—Term—Cumulative voting—President.
- 252 —Corporate powers defined.
- 253 —Board of trustees — Powers — Officers of Board — Term —
Bond—Duties and compensation of officers and employees
—Limitations on salary—Board of trustees.
- 253a—Deposit of money of sanitary district.
- 254 —Record of organization of district filed.
- 255 —Powers of board.
- 256 —Ordinances, etc., to be approved by president — Veto —
Reconsideration.
- 257 —Ordinances—Publication—When effective.
- 258 —Proof of ordinances, etc.
- 259 —Levees—Embankments—Improvements—Repairs.
- 260 —Powers—Jurisdiction beyond district.
- 261 —Acquisition of property by purchase or condemnation —
Appeals.
- 262 —Bond issue—Limitation.
- 263 —Levy, extension and collection of taxes.
- 264 —Compensation for damages—How paid.
- 265 —Right on public property.
- 266 —Rights on railroad property, etc.
- 267 —Elevation of railroad tracks, etc.
- 269 —Letting contracts—conditions.
- 270 —Compensation to drainage districts.
- 271 —Police and police powers.
- 272 —Office to be established.
- 273 —Reports to county judge.
- 274 —Construction of act.

Chapter 42—An Act to create sanitary districts, and to provide for sewage disposal. (Approved June 5, 1911. L. 1911, p. 299.)

- 277—Authority — Petition — Board of Commissioners — Hearing.
Election—Notice—Ballot—Record of election—Organization.
- 278—Judicial notice of existence of district.
- 279—Board of trustees—Term—Appointment—Bond—Disqualifications.
- 280—Officers and employes—Compensation—Rules and regulations.
- 281—When ordinances take effect.
- 282—Proof of ordinances.
- 283—Powers and duties of trustees—Water works and sewage disposal.
- 284—Acquisition and disposition of property.
- 285—Borrowing money—Bond issue—Limitation—Referendum.
- 286—Annual tax.
- 287—Contracts.
- 288—Taxes for corporate purposes—Interest on deposits.
- 289—Use of highway, streets, etc.—Approval of Governor, Proviso.
- 290—Contracts for drainage, etc.
- 291—Condemnation proceedings.
- 292—Right of way over public property.
- 293—Garbage disposal.
- 294—Contracts with outside territory.
- 295—Water works, etc.
- 296—Police powers.

Chapter 42—An Act to create sanitary districts and to provide for sewage disposal. (Approved June 22, 1917. L. 1917, p. 396.)

- 299 —Territory—Petition—Commissioners—Hearing—Notice of
election—Ballots.
- 300 —Judicial notice to be taken of districts.
- 301 —Trustees—Appointment, etc.

- 302 —Vacancies.
- 303 —Board of trustees.
- 304 —Ordinances to be published.
- 305 —Published ordinances and certified copies to be evidence.
- 306 —Sewage disposal Lake Michigan not be contaminated.
- 307 —Condemnation proceedings—Disposition of property.
- 308 —Power to borrow money.
- 308½—Conveyance to and lease from United States or agency thereof.
- 309 —Direct annual tax to pay interest and debt.
- 310 —Contracts to lowest bidder—Public notice.
- 311 —Taxes for corporate purposes—Limitation, etc.
- 312 —Easement over public highways, State lands, etc.
- 313 —United States military posts and naval stations.
- 314 —Exercise of eminent domain according to act 1872.
- 315 —Authority to take possession of public property.
- 316 —District permitted to serve outlying territory and to acquire property of other districts.
- 317 —Power to prevent pollution of waters—Police powers, etc.
- 317a —Construction of drains, sewers, laterals, pumping stations, etc.—Assessments.
- 317b —Special assessments.
- 317c —Bonds to anticipate collection of installments.
- 317d —Property taken or damaged.
- 317e —Annexation of territory to sanitary district—Procedure.
- 317f —Disconnection of territory from district.

Chapter 42—An Act to authorize sanitary districts organized under "An Act to create sanitary districts and to provide for sewage disposal," approved June 22, 1917, as amended, to issue bonds for the payment of claims and indebtedness incurred for corporate purposes and judgments. (Filed July 10, 1936. L. 1935-6, Fourth Sp. Sess., p. 13.)

- 319e—Issuance of bonds to pay claims.
- 319f—Resolution to establish validity of claims.
- 319g—Form of bonds—Ordinance—Publication—Petition for referendum.
- 319h—Tax to pay bonds.
- 319i—Validity of bonds.
- 319j—Act to be cumulative.

Chapter 42—An Act to create sanitary districts and to provide for sewage disposal. (Approved July 2, 1936. L. 1935-36, Fourth Sp. Sess., p. 16.)

- 412—Incorporation of area outside municipality—Petition—Hearing—Election.
- 413—Courts to take judicial notice.
- 414—Board of trustees—Appointment—Bond—Vacancy.
- 415—Powers of board—Officers and employees.
- 416—Ordinances—Publication—Effective date.
- 417—Proof of ordinances.
- 418—Collection and disposal of sewage.
- 419—Duty to provide sewers and treatment plant—Violation.
- 420—Collection of additional costs from producers of industrial wastes.
- 421—Acquisition of real and personal property—Use of drains, channels, etc.
- 422—Issuance of bonds—Referendum.
- 423—Additional powers of board of trustees.
- 424—Tax to pay indebtedness.
- 425—Contracts to be let by bids.
- 426—Contracts conform to local improvement act.

- 427—Levy of taxes.
- 428—Certification and collection of taxes.
- 429—Interest on funds deposited.
- 430—Use of interest—Tax not to be scaled.
- 431—Liability of treasurer for funds deposited.
- 432—Restrictions on funds deposited.
- 433—Sewers, channels, etc., on public property.
- 434—Contract for sewage from United States military post.
- 435—Condemnation of private property.
- 436—Condemnation of property held for public use.
- 437—Drainage from outside territory—Use of other drains or channels.
- 438—Pollution of water supply—Dams—Improvement of streams.
- 439—Special assessments and general taxation.
- 440—Division of assessment into installments.
- 441—Bonds to anticipate collection of assessments.
- 442—Cost of acquiring private property to be included in assessment.
- 443—Joint construction with municipality.

3. *Parks.*

Chapter 105—An Act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments. (Approved May 2, 1873. L. 1873, p. 129.)

- 28—Proceedings for park improvements.
- 30—Separate estimates when sewer located in two towns.
- 31—Adjoining property owners may use sewer.
- 32—Proceedings to condemn right of way.

4. *Canals and Waterways Improvements.*

Chapter 19—An Act in relation to the construction, operation and maintenance of a deep waterway from the water power plant of the Sanitary District of Chicago at or near Lockport to a point in the Illinois River at or near Utica, and for the development and utilization of the water power thereof. (Approved June 17, 1919. In force July 1. L. 1919, p. 977.)

- 94—Drainage or sewer system to be restored if interfered with or destroyed.

PLUMBERS AND PLUMBING LAWS

PLUMBING LICENSE LAW

Chapter 111½—An Act in relation to the regulation of plumbing and licensing of Master Plumbers, Journeyman Plumbers, and registration of Plumbers' Apprentices, and for the protection of public health, and repeal of a certain Act therein. (Filed June 17, 1935. L. 1935, p. 1059.)

- 95—Terms defined.
- 96—Licenses required.
- 97—Privilege to engage in business granted by licenses—Duties of board.
- 98—State Board of Plumbing Examiners created.
- 99—Duties of Director of Registration and Education.
- 100—Application for licenses—Fees—Present licenses—Change of address.

101—Examinations — Issuance of license — Re-examination — Renewal.

102—Display of license.

103—Issuance of licenses by cities over 500,000 populations—Rights of licenses—Municipal permits and inspection.

104—Municipal regulation of plumbing—Investigations by department.

A — It is hereby declared to be the policy of this State that each city, town or village with a system of water supply or sewage or both should so soon after the enactment of this Act as practicable, with the advice of the State Department of Health, provide by Ordinance, by-laws, or rules and regulations for the materials, construction, alteration, and inspection of all plumbing placed in or in connection with any building in any such city, town or village and to provide for and appoint a competent Plumbing Inspector or more as required. Such appointee shall be a Master Plumber or a Journeyman Plumber with a license of a Journeyman Plumber in effect for at least 5 years.

B — The Department of Public Health shall conduct inquiry in any city, town, or village, or at any other place in the State when reasonably necessary in the judgment of the Director of the Department of Health to safeguard the health of any person or persons in this State on account of any piping or appurtenant appliances within any building or outside, when such piping and appliances are for the use of plumbing as defined in this Act and for the use of carrying sewage or waste within or from any building.

C — The Department of Public Health may conduct such inquiries in any city, town or village in this State by directing the Plumbing Inspector thereof to aid in or conduct such inquiry or investigation in behalf of the Department of Public Health, or the Department of Public Health may designate some other person or persons to conduct such investigation.

105—Revocation of licenses.

106—Hearings for revocation—Notice—Subpoenas.

107—Compelling attendance of witnesses.

108—Record of proceeding.

109—Report of board—Order—Hearing.

110—Review by court.

111—Restoration of license.

112—Stay during appeal—Prima facie proof as to Director and Board.

113—Appeals to Supreme Court.

114—Partial unconstitutionality.

115—Penalties for violation.

116—Name of act.

INNKEEPERS—SANITARY EQUIPMENT

Chapter 71—An Act relating to hotels, inns and public lodging houses in cities and villages and incorporated towns in the State of Illinois. (Approved June 25, 1913. L. 1913, p. 395.)

14—Application of Act—Definition.

18—Sanitary rules established by State Board of Health.

Every hotel shall be well drained, constructed, and plumbed according to sanitary rules to be established by the State Board of Health and shall be kept clean and in a sanitary condition and free from effluvia arising from any sewer, drain, privy or other source within the

control of the owner, manager, agent or other person in charge; and shall be provided with water closets or privies properly screened for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

19—Penalty for violations.

MILK AND MILK PRODUCTS

1. *Pasteurization of Milk.* (See page 68.)
2. *Graded Milk and Products.* (See page 75.)
3. *Sale and Adulteration of Milk and Milk Products.*

Chapter 38—An Act to regulate the sale of milk and to provide penalties for the adulteration thereof. (Approved May 29, 1879. L. 1879, p. 111.)

- 9—Of milk.
- 10—Keeping diseased cows, etc.
- 13—Judgment—issuing copies.
- 14—What is an adulteration.

Chapter 38—An Act to prevent frauds in the manufacture and sale of butter and cheese. (Approved May 31, 1879. L. 1879, p. 116.)

- 15—Butter—Cheese—Stamped or marked.
- 16—Labels.
- 17—Penalties.

Chapter 38—An Act to prevent the adulteration of butter and cheese, or the sale or disposal of the same, or the manufacture or sale of any article as a substitute for butter or cheese, or any article to be used as butter and cheese. (Approved June 1, 1881. L. 1881, p. 74.)

- 18—Imitations of butter or cheese.

Chapter 38—An Act to prevent and punish the adulteration of articles of food, drink and medicine and the sale thereof when adulterated. (Approved June 1, 1881. L. 1881, p. 75.)

- 21—Compound stamped and sold under true name.
- 22—Mixing oleomargarine, etc., with butter without marking.
- 23—Penalty.
- 24—Knowledge.
- 25—State's Attorney—Duty.

Chapter 38—An Act to regulate the manufacture and sale of substitute for butter. (Approved June 14, 1897. L. 1897, p. 3.)

- 30—Imitation butter.
- 31—Coloring butter prohibited.
- 32—Packages, etc., to be stamped and marked.
- 33—Unlawful to sell, etc.
- 34—Shipping of substitutes.
- 35—Substitute in possession.
- 36—What constitutes possession.
- 37—Wrongful sale or contract.
- 38—Defacing marks, etc.
- 39—Fines and penalties.
- 40—State's Attorney to prosecute.

4. *Pure Food Regulations.*

Chapter 561½—An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors, or dairy products, and to repeal all acts relating to the production, manufacture, and sale of dairy and food products and liquors in conflict herewith. (Approved May 13, 1907. L. 1907, p. 51⅓.)

- 1 —Provision for appointment of a State food commissioner and the establishment of a State food department.
- 2 —Power of commissioner and inspectors making inspection.
- 16 —Sale of unclean or unwholesome milk for consumption and unsanitary containers prohibited.
- 17 —Persons receiving milk to wash cans.
- 18 —Not to manufacture food from impure or unclean milk or cream.
- 19 —Sale of skim milk—Cans—How labeled.
- 20 —Instruments for measuring milk and cream standards.
- 21 —Licenses for milk or cream testing.
- 22 —Testing milk and cream.
- 23 —Sales of preservatives prohibited.
- 24 —Vehicles to be marked.
- 25 —Illegal lard.
- 28 —Sale of process butter not branded prohibited.
- 29 —Process butter—How branded.
- 33 —State board of health to furnish samples.
- 34 —State analyst shall not furnish certificate of purity.
- 38 —Label—size of type.
- 39 —Food commission to make rules and regulations.
- 39a—Cheese.
- 40 —Standard of purity and strength.
- 43 —When prosecution brought.
- 44 —Penalty.
- 45 —Judgment—Issuing copies.
- 46 —Repeal.

5. *Butter Substitutes.*

Chapter 561½—An Act to prevent the illegal use of the words butter, creamery, and dairy. (Approved June 28, 1923. L. 1923, p. 406.)

- 46a—Use of words "butter", "creamery", and "dairy".
- 46b—Penalty.
- 46c—Disposition of fines.
- 46d—When act effective.

6. *Sanitary Inspection.*

Chapter 561½—An Act to prevent the preparation, manufacture, packing, storing, or distributing of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof. (Approved June 5, 1911. L. 1911, p. 528.)

- 67—Light, drainage, plumbing and ventilation of establishments.
- 68—Care of rooms, etc.,—Removal of refuse—Clothing of employees.
- 69—Sidewalls, ceilings and floor—Construction and care.
- 70—Doors and screens.

- 71—Toilet rooms and lavatories.
- 72—What declared nuisance.
- 73—Cuspidors.
- 74—Expectoration—Washing hands.
- 75—Sleeping in work rooms.
- 76—Contagious or venereal disease.
- 77—Enforcement of act.
- 78—Fines—Prosecution.
- 79—Penalties.

LODGING HOUSES, HOTELS, INNS, ETC.

1. *State Board of Health.*

Chapter 111½—An Act to create and establish a board of health in the State of Illinois. (Approved May 28, 1877. L. 1877, p. 208.)

- 31—Lodging houses, etc.—Supervision—Inspection.
- 32—Sleeping rooms—Number—Size—Ventilation.
- 33—Lodging houses—Register—Content.

2. *Cities and Villages.*

Chapter 24—An Act for the regulation and inspection of tenement and lodging houses, or other places of habitation. (Approved May 30, 1881. L. 1881, p. 155.)

- 535—Plans to be submitted to health commissioner.
- 536—Health commissioner to instruct plumber.
- 537—Notice of completion to health commissioner—Inspection.
- 538—Penalty against architect or builder.
- 539—Penalty against plumber.

THE DRINKING CUP IN PUBLIC PLACES

Chapter 38—An Act to prohibit the use of a common drinking cup, glass or other utensil used for public drinking purposes in public and private schools, State educational institutions, halls used for public meetings or entertainments, hotels, lodging houses, theaters, factories or public or municipal buildings, on railroad trains and stations and in other public places in the State of Illinois. (Approved June 5, 1911. L. 1911, p. 289.)

- 180—Prohibits use of common drinking cup, etc. in public places.
- 181—Use prohibited on railroad trains and at stations, etc.
- 182—Unlawful to furnish or have for use.
- 183—Penalty.

SANITATION AND PUBLIC COMFORT STATIONS

1. *Foods—Sanitary Inspection.*

Chapter 561½—An Act to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful, or unclean conditions or surroundings to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof. (Approved June 5, 1911. L. 1911, p. 528.)

- 71—Toilet rooms and lavatories.
- 72—What declared nuisance.
- 74—Expectoration—Washing hands.

2. *Public Comfort Stations—Cities and Villages.*

Chapter 24—An Act in relation to public comfort stations.
(Approved June 30, 1919. L. 1919, p. 841.)

589—Authorization to establish.

590—Definition.

591—Acquisition of ground, building and equipment.

592—Tax levy.

593—Referendum.

LICENSES AND PERMITS

1. *Cities and Villages.*

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

65.90—Licensing certain occupations.

To tax, license and regulate.....distillers,
breweries, ice cream parlors, coffee
houses,, barbers and barber shops.

2. *Foods.*

Chapter 56 $\frac{1}{2}$ —An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture, and sale of unhealthful, adulterated or misbranded food, liquors, or dairy products, and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith. (Approved May 14, 1907. L. 1907, p. 543.)

21—Licenses for milk or cream testing.

41—Standard of purity and strength.

Chapter 56 $\frac{1}{2}$ —An Act to regulate cold storage of certain articles of food. (Filed June 28, 1917. L. 1917, p. 648.)

81—Cold storage warehouses to be licensed by Department of Agriculture.

82—Revocation of license on account of unsanitary conditions.

3. *Barbers and Beauty Culturists.*

Chapter 16 $\frac{3}{4}$ —An Act relating to the practice of beauty culture. (Approved June 30, 1925. L. 1925, p. 174.)

15—Registration required.

19—Certificate of registration—Qualifications.

21—Applications.

22—Examination of applicants.

23—Issuance of certificate.

24—Certificate of registration, display of.

25—Certificate—Renewal—Expiration.

26—Revocation, etc. of certificate.

28—Fees.

30—Penalties.

4. *Oil Inspection—Wells.*

Chapter 104 $\frac{1}{2}$ —An Act to require the reporting of information essential for the sealing of wells to prevent escape of oil, gas,

salt or fresh water or other materials from one stratum to another through such wells. (Approved July 11, 1939. L. 1939, p. H. B. No. 1079.)

34—Logs of wells to be filed in Geological Survey office—Contents of logs.

35—Drill cuttings, collection of for Geological Survey.

37—Drill records, receipt for by Geological Survey—Logs, substitute for.

5. *Charities—Maternity Hospitals.*

Chapter 23—An Act for the licensing, inspection and regulation of maternity hospitals, lying in homes, or other places, public or private, for the confinement of women, and to provide a penalty for violation thereof. (Approved June 24, 1915. L. 1915, p. 254.) (Amended and approved July 14, 1939. S. 108.—p. 276.)

341—License—Revocation—Placing children in foster family homes.

345—Penalty.

6. *Employment.*

Chapter 48—An Act to revise the law regulating industrial home work. (Filed July 13, 1937. L. 1937, p. 552.)

254—Application for sanitary permit—Inspection of premises—Necessary conditions.

255—Home worker's certificate.

256—Employer's permit.

257—Register of workers—Report.

DANCE HALLS AND ROAD HOUSES

Chapter 38—An Act to provide for the regulation of public dance halls or road houses used for public dances outside the limits of any city, village or town. (Approved June 30, 1925. L. 1925, p. 320.)

151 a—License required.

151 b—Issuance of license—Renewal.

151 c—Operation until next meeting of county board.

151 d—Qualifications for license.

(B) That the place or road house is to be operated or maintained, reasonably conform to all laws, and health and fire regulations applicable thereto, and is properly ventilated and supplied with separate and sufficient toilet arrangements for each sex, and is a safe and proper place of building for a public dance or road house.

151 e—Investigation of application.

151 f—Revocation of license.

151 g—Persons not permitted to frequent.

151 h—Penalty.

151 i—Act not to apply on State property.

FOOD REGULATIONS

A—*Animals Intended for Food.*

Chapter 8—An Act to provide for the inspection of any animal intended for human food, appearing to be diseased, and for the disposition of the carcass. (Filed May 27, 1907. In force July 1. L. 1907, p. 7.)

- 106—Inspection of animals intended for food.
- 107—Duty to kill afflicted animal—Notice to owner.
- 108—Penalty.

B—*Cities' and Villages' Powers.*

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

- 65.19 —Traffic and sales upon streets, etc.
- 65.48 —Markets and market houses.
- 65.49 —Regulating sale of meats and other provisions.
- 65.50 —Forestalling and regrading.
- 65.51 —Regulating sale of bread.
- 65.52 —Inspection of meats and other provisions.
- 65.75 g—Rules and regulations of board.

C—*Criminal Code on Foods.*

Chapter 38—An Act to protect the public from imposition in relation to canned or preserved food. (Approved June 27, 1885. L. 1885, p. 207.)

- 274—Goods must be marked.
- 275—"Soaked" goods branded.
- 276—Penalties.
- 479—Punishment (for poisoning).

D—*Uniform Cold Storage.*

Chapter 56 $\frac{1}{2}$ —An Act to regulate cold storage of certain articles of food. (Filed June 28, 1917. L. 1917, P. 648.)

- 80—Definitions.
- 81—Cold storage warehouses to be licensed by Department of Agriculture.
- 82—Revocation of license on account of unsanitary conditions.
- 83—Records to be kept of food stored and reports to be filed with Department of Agriculture.
- 84—Department of Agriculture to supervise cold storage warehouses and inspect foods.
- 85—Food unfit for human consumption not to be kept.
- 87—Storage limited to twelve months.
- 88—Goods offered for sale to be marked "Cold Storage Goods."
- 89—Goods not to be returned to storage or transferred.
- 90—Department of Agriculture to establish rules.
- 91—Penalties.

PASTEURIZATION OF MILK

AN ACT in relation to the pasteurization of milk. [Approved June 30, 1925. L. 1925, p. 408.]

101-114. § § 1-14. Repealed by Act approved July 24, 1939. L. 1939, p. 660, S. B. No. 288.

AN ACT regulating the handling, processing, labeling, sale and distribution of pasteurized milk and pasteurized milk products. Approved July 24, 1939. L. 1939, p. 1708, S. B. No. 288.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

115. TERMS DEFINED.] § 1. The words and phrases herein defined are used in the sense given them in the following definitions:

(a) The terms "pasteurization", "pasteurized" and similar terms shall be taken to refer to (1) the process of heating every particle of milk or milk products to at least 143° F., and holding at such temperature for at least 30 minutes; or (2) heating every particle of milk to at least 160° F., and holding at such temperature for at least 15 seconds; either method shall be carried out in apparatus approved by the Department and properly operated; provided that nothing in this definition shall be considered as disbarring any other process which has been demonstrated to be equally efficient and is approved by the Department.

(b) "Department" means the State Department of Public Health.

(c) "Director" means the Director of the Department of Public Health.

(d) "Person" includes an individual, aggregation of individuals, corporation, association and partnership.

(e) "Certificate of Approval" or "Certificate" means a document awarded to the owner or operator of a pasteurization plant for compliance with the provisions of and under conditions set forth in this Act.

(f) "Pasteurized Milk Products" means and includes pasteurized cream, Vitamin "D" milk, soft curd milk, homogenized milk, skimmed milk, buttermilk and milk beverages as defined in this Act.

1. Pasteurized cream is a portion of milk which contains not less than eighteen per cent milk fat.

2. Pasteurized Vitamin D milk is milk the Vitamin D content of which has been increased by a method and in an amount approved by the Director.

3. Pasteurized soft curd milk is milk the curd tension of which is comparable to human milk when tested by and in a manner approved by the Director.

4. Pasteurized homogenized milk is milk that has been mechanically treated in such manner as to alter its physical properties with particular reference to the condition and appearance of the fat globules, to such an extent that no viable¹ cream separation occurs after

¹ So in original. Probably should read "visible."

48 hours storage and fat tests of the milk at the top and bottom of a quart bottle do not show a difference in fat percentage exceeding two tenths of one percent (0.2%).

5. Pasteurized skimmed milk is milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to less than three per cent.

6. Buttermilk is the product resulting from the churning of pasteurized milk or cream, or from the souring or treatment by a lactic acid or other culture of milk, skimmed milk or reconstituted milk. It contains not less than eight per cent of milk solids-not-fat.

7. Pasteurized milk beverages shall mean a food compound consisting of milk, skimmed milk, cream or buttermilk as the case may be, to which has been added a syrup or flavor consisting of wholesome ingredients.

(g) "Pasteurization Plant" as used herein shall to taken to include the building, machinery, apparatus, and other equipment and appurtenances necessary and essential in the work of pasteurizing milk or milk products, tanks and other equipment essential to the storing or handling of the milk being held for pasteurization, the equipment, machinery, apparatus and appurtenances for cooling the milk and milk products, and placing the milk and milk products in bottles or other suitable containers, and storing such bottles and containers following pasteurization.

(h) "Minimum Requirements" means the code formulated by the Director for interpretation and enforcement of this Act. S.H.A. 56½ § 115; J.A. 53.176.

116. CERTIFICATE OF APPROVAL—ANNUAL APPLICATION FOR.] § 2. Any person operating a pasteurization plant who distributes, delivers or sells pasteurized milk or pasteurized milk products for consumption in the State of Illinois shall annually make application to the Department for a Certificate of Approval. S.H.A. 56½ § 116; J.A. 53.177.

117. CERTIFICATE OF APPROVAL—APPLICATION BEFORE ENGAGING IN BUSINESS.] § 3. Any person who shall hereafter engage in operating a pasteurization plant for the purpose of distributing, delivering, or selling pasteurized milk or pasteurized milk products for consumption in the State of Illinois, shall before engaging in such business make application to the Department for a Certificate of Approval. S.H.A. 56½ § 117; J.A. 53.178.

118. ISSUANCE OF CERTIFICATE.] § 4. Upon receipt of such application, the Department shall make an inspection of said pasteurization plant and in the event that the plant, equipment and methods of operation are found to comply with the provisions of this Act, the Director shall issue a Certificate of Approval upon payment of the required fee as herein provided. S.H.A. 56½ § 118; J.A. 53.179.

119. SUBMISSION OF PLANS AND SPECIFICATIONS FOR REMODELING PLANT.] § 5. Any person contemplating the construction or remodeling of a pasteurization plant for which a Certificate of Approval is required by this Act shall submit plans, specifications and information relative thereto to the Department for review. The Director shall review such plans, specifications and information and shall advise in writing whether or not such proposed construction or remodeling complies with requirements of this Act.
S.H.A. 56½ § 119; J.A. 53.180.

120. INSPECTION AND SAMPLES.] § 6. Any person, operating a pasteurization plant or having made application for a Certificate of Approval for the operation of a pasteurization plant shall at any time allow the Department to inspect such plant and to take such samples as may be deemed necessary by said Department.
S.H.A. 56½ § 120; J.A. 53.181.

121. LABELS.] § 7. All bottles, cans, packages and other containers enclosing milk or any milk product defined in this Act shall be plainly labeled or marked with (a) the name of the contents as given in the definitions in this Act; (b) the word "pasteurized" only in the event the contents have been pasteurized or heated within the scope of this Act; (c) the name and post office address of the plant in which the contents were pasteurized.
S.H.A. 56½ § 121; J.A. 53.182.

122. PRODUCTS TO BE SOLD IN ORIGINAL CONTAINERS.] § 8. All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized. It shall be unlawful for hotels, soda fountains, restaurants, grocery stores, milk depots, milk stations and similar establishments to sell or serve any pasteurized milk or milk product except in the original container in which it was placed at the point of pasteurization, provided that this requirement shall not apply to milk or milk products consumed on the premises which may be served from the original container or from a dispenser approved by the Department for such service. The sale or distribution of bulk, loose or dipped pasteurized milk or milk which has been heated within the purview of this Act is hereby prohibited.
S.H.A. 56½ § 122; J.A. 53.183.

123. SELLERS AND DISTRIBUTORS WITHIN ACT.] § 9. Any person selling, delivering or distributing milk or milk products in the State of Illinois who shall heat milk or milk products or subject milk or milk products to other treatment in an effort to make the milk or milk products safe for human consumption or to preserve its keeping qualities shall comply with the provisions of this Act.
S.H.A. 56½ § 123; J.A. 53.184.

124. PASTEURIZATION OF MILK TO COMPLY WITH ACT.] § 10. No person shall sell, deliver or distribute any milk or milk products which have been heated or subjected to any other treatment in an effort to make the milk or milk products safe for human consumption

or to preserve its keeping qualities unless such milk or milk products have been heated or treated in compliance with the provisions of this Act.

S.H.A. 56½ § 124; J.A. 53.185.

125. PROCESSING TO BE IN COMPLIANCE WITH ACT.] § 11. No milk or milk products sold, distributed or delivered in this State shall be heated or subjected to any other treatment in an effort to make it safe for human consumption or to preserve its keeping qualities unless such milk or milk products are processed in compliance with the provisions of this Act.

S.H.A. 56½ § 125; J.A. 53.186.

126. REPRESENTATIONS THAT PRODUCTS HAVE BEEN PASTEURIZED.] § 12. No person selling, delivering or distributing milk or milk products shall sell or offer for sale milk or milk products with any word or words stating or indicating that the milk or milk products are pasteurized nor shall they indicate by any other means that the milk or milk products were pasteurized until the Department has issued a Certificate of Approval for the pasteurization plant in which the milk or milk products were pasteurized.

S.H.A. 56½ § 126; J.A. 53.187.

127. SALES AFTER REVOCATION OF CERTIFICATE PROHIBITED.] § 13. The sale or distribution of milk from a plant, the Certificate of Approval of which has been revoked is hereby prohibited.

S.H.A. 56½ § 127; J.A. 53.188.

128. FEES FOR CERTIFICATE OR RENEWAL THEREOF.] § 14. The Certificate of Approval fee shall be ten dollars (\$10.00). Unless suspended or revoked by the Department, a certificate shall be good until January first of the year following the date of its issue, and subject to annual renewal upon payment of renewal fee of ten dollars (\$10.00). Such renewal being subject to approval on reinspection or on information submitted by the owner or operator of a plant in answer to questions sent to the owner or operator by the Department, or both.

S.H.A. 56½ § 128; J.A. 53.189.

129. REQUIREMENTS AS TO CONSTRUCTION, EQUIPMENT, ETC., OF PLANT.] § 15. Any pasteurization plant coming under the provisions of this Act shall conform with all the following items of construction, equipment, maintenance and operation and in accordance with minimum requirements adopted by the Director for interpretation and enforcement of this Act.

Item 1. The floors of all rooms in which milk or milk products are handled or stored shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean.

Item 2. Walls and ceilings of rooms in which milk or milk products are handled or stored shall have a smooth, washable, light-colored surface and be kept clean. Ceilings shall have a minimum height of ten (10) feet.

Item 3. All openings into the outer air shall be effectively screened to prevent the access of flies. Doors shall be self-closing.

Item 4. All rooms shall be well lighted and ventilated.

Item 5. The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. Pasteurized milk or pasteurized milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact.

6. Every milk plant shall be provided with toilet facilities. There shall be at least one room or vestibule not used for milk purposes between the toilet room and any room in which milk or milk products, equipment or containers are handled or stored.

Item 7. The water supply shall be easily accessible, adequate and of a safe, sanitary quality.

Item 8. Convenient hand-washing facilities shall be provided, including warm running water, soap and sanitary towels.

Item 9. Only "sanitary milk piping" of a type which can be easily cleaned with a brush shall be used.

Item 10. All multi-use containers and equipment with which milk or milk products come in contact shall be constructed in such manner as to be easily cleaned and shall be kept in good repair. Single service containers, caps, gaskets and similar articles shall be manufactured and transported in a sanitary manner.

Item 11. All wastes shall be disposed of in conformity with the requirements of the Department.

Item 12. All milk and milk products containers and equipment shall be thoroughly cleaned after each usage. All multi-use containers shall be subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer by a milk plant, each container shall be effectively cleaned and subjected to bactericidal treatment.

Item 13. After bactericidal treatment, all bottles, cans, and other milk or milk products containers shall be stored in such manner as to be protected from contamination.

Item 14. Between bactericidal treatment and usage, containers and apparatus shall not be handled in such manner as to permit any part of the person or clothing to come in contact with any surface with which milk or milk products come in contact.

Item 15. Milk bottle caps and parchment paper for milk cans shall be purchased and stored only in sanitary tubes and cartons respectively, and shall be kept therein until used.

Item 16. Pasteurization shall be performed as described in Section 1 of this Act.¹ All pasteurizers shall be equipped with such temperature indicating and recording instruments and such accessory equipment as may be specified in the minimum requirements.

Item 17. All milk received for pasteurization but not pasteurized within two hours after it is received at the plant shall then be immediately cooled in equipment approved by the Department to a

¹ Section 115 of this chapter.

temperature of 50° F., or less and maintained thereat until pasteurized; and all pasteurized milk and milk products shall be immediately cooled to an average temperature of 50° F., or less, and maintained thereat until delivery.

Item 18. Bottling or packaging of milk and milk products shall be done at the place of pasteurization by approved mechanical equipment.

Item 19. Overflow milk or milk products shall not be sold for human consumption.

Item 20. Capping of milk and milk products shall be done by automatic machinery approved by the Department. Hand capping is prohibited.

Item 21. Every person connected with a pasteurization plant whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers or equipment, shall furnish such information, permit such physical examinations, and submit such laboratory specimens as the Department may require for the purpose of determining freedom from infection.

Item 22. All persons coming in contact with milk, milk products, containers, or equipment shall wear clean outer garments and shall keep their hands clean at all times while thus engaged.

Item 23. All vehicles used for the transportation of pasteurized milk or milk products shall be so constructed and operated as to protect the milk or milk products from the sun and from contamination. Such vehicles shall be kept clean. The immediate surroundings of the milk plant shall be kept in a neat, clean, condition.

S.H.A. 56½ § 129; J.A. 53.190.

130. DENIAL OR REVOCATION OF CERTIFICATE—GROUNDS—HEARING.] § 16. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke any certificate of Approval because of the violation of any of the provisions of this Act or for any of the following causes:

(a) Insanitary conditions of plant surroundings within the control of the plant management, insanitary methods of handling milk, milk products or milk containers or equipment.

(b) Employment of careless, indifferent and inefficient personnel.

(c) Violation of any of the provisions of this Act or of the minimum requirement for interpretation and enforcement of the Act.

(d) Failure to display Certificate of Approval to the public at all times when such Certificate of Approval has been issued as provided in this Act.

(e) Displaying to the public any Certificate of Approval which has been suspended or revoked or which has expired.

The Department shall, before refusing to issue, suspending or revoking any Certificate, at least ten (10) days prior to date set for hearing, notify in writing the applicant or holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business of

the accused last theretofore known to the Department. At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and the accused shall be accorded ample opportunity to present in person or by counsel, such statements testimony, evidence and argument as may be pertinent to the charges or to any defense thereto.

At any time after suspension or revocation of any Certificate, the Department may restore it to the accused if the Department is satisfied that the accused will comply with the provisions of the Act. S.H.A. 56½ § 130; J.A. 53.191.

131. REVIEW—PROCEEDINGS FOR.] § 17. Any order or decision made, issued or executed by the director in connection with the refusal to issue or renew suspension or revocation of a certificate of Approval whereby any person or company deems himself or it to be aggrieved, shall be subject to review by the Circuit Court of Sangamon County. A petition for the review of the action of the Director objected to by such person or company shall be filed within thirty (30) days from the date of the service of a copy of the order or decision made by the Director upon such person or company. A copy of such petition for review as filed with and certified to by the clerk of such court shall be served upon the director within five (5) days after the filing thereof. If such petition for review is not filed within said thirty (30) days the parties aggrieved shall be deemed to have waived the right to have the order or decision reviewed.

The Director shall within ten (10) days, unless the time be extended by order of court, after the service of the copy of the petition for review upon him, prepare and file with the clerk of said court a complete transcript of the record of the hearing, if any had before him, and a true copy of the order or decision, and certify to the same. The order or decision of the director shall be deemed prima facie to be correct and the cause shall be heard by the court as a civil case upon such transcript of the record. Merely technical irregularities in the procedure of the Director shall be disregarded and the burden of proof of questions in controversy shall rest upon the petitioner.

The said court shall have jurisdiction to affirm or set aside the order or decision of the director and to restrain the enforcement thereof.

Appeals from all final orders and judgments entered by the said court in reviewing the order and decision of Director may be taken by any party to the action as in other civil cases.

The commencement of proceedings to review the action of the Director under the provisions of this section shall not act as a stay of the Director's order or decision unless so ordered by the court upon due notice to the Director. S.H.A. 56½ § 131; J.A. 53.192.

132. PENALTIES.] § 18. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than one-hundred dollars (\$100.00) for each day such violation continues or imprison-

ment in the county jail for not more than one year or both such fine and imprisonment.

S.H.A. 56½ § 132; J.A. 53.193.

133. APPLICATION OF ACT.] § 19. Nothing in this Act shall impair or abridge the power of any city, village or incorporated town to regulate the handling, processing, labeling, sale or distribution of pasteurized milk and pasteurized milk products, provided that such regulation¹ not permit any person to violate any of the provisions of this Act.

S.H.A. 56½ § 133; J.A. 53.194.

¹ So in original. Word "does" probably should be inserted.

134. REPEAL.] § 20. The Act entitled "An Act in relation to the pasteurization of milk", approved June 30, 1925, as amended June 29, 1935,¹ is hereby repealed.

S.H.A. 56½ § 134; J.A. 53.195.

¹ Sections 101-114 of this chapter.

GRADED MILK AND PRODUCTS

AN ACT in relation to Grade A Milk and Grade A Milk Products.
Approved July 19, 1939. L. 1939, p. 667, S. B. No. 287.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

135. TERMS DEFINED.] § 1. For the purposes of this Act:

"Grade A Milk" means unpasteurized milk, the average bacterial plate count of which does not exceed 50,000 per cubic centimeter and the average reduction time of which is not less than eight hours, and cream, the average bacterial plate count of which does not exceed 100,000 and which is produced upon dairy farms conforming with all of the provisions for sanitation set forth in this Act and the minimum requirements adopted by the Director for the interpretation and enforcement of this Act.

"Grade A Milk Products" means milk products as such products are herein defined, manufactured entirely from Grade A. Milk.

"Grade A Pasteurized Milk" means milk pasteurized in accordance with the provisions of "An Act in relation to the Pasteurization of Milk," approved June 30, 1925, as amended,¹ the average bacterial plate count of which prior to pasteurization does not exceed 200,000 per cubic centimeter and the average reduction time of which is not less than six hours and the average bacterial plate count of which, after pasteurization and until delivery, does not exceed 30,000 per cubic centimeter, and cream the average bacterial plate count of which does not exceed 60,000 and which is produced upon dairy farms conforming with all of the provisions for sanitation set forth in this Act and the minimum requirements adopted by the Director for the interpretation and enforcement of this Act.

"Grade A Pasteurized Milk Products", means products manufactured entirely from Grade A Pasteurized Milk.

“Department” means the Department of Public Health.

“Director” means the Director of the Department of Public Health.

“Milk Products” means and includes milk, cream, skimmed milk, milk or skimmed milk beverage, buttermilk, cultured buttermilk, vitamin D milk, homogenized milk, soft-curd milk, breed milk, evaporated milk, condensed milk, dried milk, butter, cheese, ice cream or other products used for human consumption, the base of which is milk or a derivative of milk.

“Distributor” means any person who bottles, packages, processes, manufactures or otherwise prepares milk or milk products for distribution or market under a Grade A label or designation.

“Dairy Plant” means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, packaged, pasteurized or prepared for sale or distribution.

“Dairy” or “Dairy Farm” means any place or premises where one or more milking animals are kept, a part or all of the milk or milk products from which is distributed, delivered, sold or offered for sale under the provisions of this Act.

“Animals” means cows.

“Pasteurize”, “Pasteurized”, and “Pasteurization” shall have the meaning that is given to such words in “An Act in relation to the Pasteurization of Milk,” approved June 30, 1925, as amended.¹

“Average Bacterial Plate Count” means the average bacterial plate count of the last four consecutive samples, taken not less frequently than at monthly intervals.

“Average reduction time” means the arithmetic average of the reduction times by the standard methylene test of the last four consecutive samples taken not less frequently than at monthly intervals. S.H.A. 56½ § 135; J.A. 53.196.

136. REQUIREMENTS FOR SALE.] § 2. No Grade A Milk or Grade A Milk products, for human consumption, shall be sold, offered for sale or otherwise disposed of unless:

(a) such milk is produced by animals which are tested and controlled for tuberculosis and other infectious or communicable diseases, in accordance with provisions of any laws of this State relating thereto and any regulations issued pursuant to the provisions of any such laws;

(b) the dairy farm where Grade A milk is produced is equipped with a dairy or milking barn. S.H.A. 56½ § 136; J.A. 53.197.

137. DAIRY BARNs, CONSTRUCTION, LIGHTING AND SANITATION.] § 3. Every dairy barn or milking barn required by this Act shall be:

(a) well-lighted and provided with windows so arranged that the light will be well distributed;

(b) equipped with artificial light adequate for night milking;

(c) well-ventilated;

(d) so constructed and arranged as to prevent overcrowding of the animals;

¹ Sections 101-113 of this chapter.

(e) equipped with floors and gutters constructed of concrete or other hard-surfaced material, graded to drain;

(f) provided with walls and ceiling finished in a light color and kept clean and in good repair; and

(g) so constructed that the milking section thereof is kept reasonably free from dust at milking times.

S.H.A. 56½ § 137; J.A. 53.198.

138. DAIRIES—YARDS, MILK HOUSES, ETC.] § 4. No milk shall be sold, offered for sale or otherwise disposed of as Grade A Milk unless such milk is produced at a dairy which:

(a) has well-graded and clean cow yards;

(b) excludes farm animals, other than cows, from that section of the dairy barn used for milking;

(c) has all manure removed from its milking barn and such manure disposed of in such manner as to prevent the breeding of flies therein and the access of cows to piles thereof;

(d) is provided with a milk house or milk room for the cooling, handling and storage of milk and care of milk apparatus and utensils;

(e) is provided with one or more sanitary toilets conveniently located for farm personnel and properly constructed, operated and maintained so that the waste thereof is not accessible to flies or rodents and does not contaminate any water supply.

S.H.A. 56½ § 138; J.A. 53.199.

139. MILK HOUSES, CONSTRUCTION, ENTRANCES.] § 5. Milk houses or milk rooms, required under the provisions of this Act shall:

(a) have clean floors, walls and ceilings, of such construction as to permit their being easily cleaned;

(b) be well-lighted and well-ventilated;

(c) be kept free from flies; and

(d) be so constructed that there are no entrances to them from any barn or from any room used for domestic purposes;

S.H.A. 56½ § 139; J.A. 53.200.

140. WATER SUPPLY.] § 6. The water supply of every milk house or milk room and of every dairy barn, required by this Act, shall be readily accessible and of a sanitary quality.

S.H.A. 56½ § 140; J.A. 53.201.

141. UTENSILS AND CONTAINERS.] § 7. All utensils or containers used in connection with the handling, storage or transportation of Grade A Milk or Grade A Milk products shall be:

(a) suitable and of such construction as to be easily cleaned;

(b) kept in good repair;

(c) cleaned after each usage;

(d) treated with steam, hot water or chlorine solution immediately before each usage;

(e) handled, after being treated in the manner prescribed in paragraph (d) of this section, in such manner as to prevent their contamination from any person or his clothing; and

(f) stored, so as to prevent their contamination, between each usage.

S.H.A. 56½ § 141; J.A. 53.202.

142. MILKING ANIMALS TO BE CLEAN.] § 8. The milking animals of any producer of milk, from which Grade A Milk is produced, shall have:

- (a) clean udders and teats at the time they are milked; and
- (b) their flanks, bellies and tails free from visible dirt at the time they are milked.

S.H.A. 56½ § 142; J.A. 53.203.

143. MILKERS AND METHODS OF MILKING—CLEANLINESS.] § 9. Milkers of animals producing Grade A Milk, shall:

- (a) have clean hands at the time of milking;
- (b) not milk animals by the wet-hand method;
- (c) wear clean outer garments; and
- (d) use only clean milking stools.

S.H.A. 56½ § 143; J.A. 53.204.

144. MILK NOT TO BE STRAINED IN BARN.] § 10. No Grade A Milk shall be strained in a dairy barn.

S.H.A. 56½ § 144; J.A. 53.205.

145. TEMPERATURE OF MILK.] § 11. All Grade A Milk shall be cooled immediately after the completion of the milking thereof and thereafter maintained at a temperature which will inhibit bacterial development.

S.H.A. 56½ § 145; J.A. 53.206.

146. BOTTLES—MACHINES FOR BOTTLING AND CAPPING.] § 12. Grade A Milk and Grade A Milk products shall only be bottled from containers equipped with readily cleanable valves, or by means of such bottling and capping machines as may be approved by the Department. When bottling and capping machines are used, they shall be cleaned and subjected to bactericidal treatment before each usage. Caps used in connection with any such bottling, shall be purchased in sanitary containers and kept therein in a clean, dry place until used. All Grade A Milk and products thereof, sold for human consumption in an unpasteurized state, shall be placed in final delivery containers at the dairies at which they are produced.

S.H.A. 56½ § 146; J.A. 53.207.

147. EMPLOYEES—PHYSICAL EXAMINATION AS TO INFECTIOUS OR COMMUNICABLE DISEASES.] § 13. Every person, employed in or about a dairy or dairy plant whose employment brings him in contact with the production, handling, storage or transportation of Grade A Milk or its products or containers or equipment used in connection with such milk and its products, shall furnish such information, submit to such physical examinations and permit the taking of such laboratory specimens as the Director may require for the purpose of ascertaining whether or not he is free from infectious or communicable diseases.

S.H.A. 56½ § 147; J.A. 53.208.

148. LABELS.] § 14. All bottles, cans, packages and other containers of Grade A Milk or Grade A Milk products shall be plainly labeled or marked with:

- (a) the name of its contents as such contents are defined in Section 1 of this Act;¹

¹ Section 135 of this chapter.

(b) the grade of its contents, if such contents are graded under the provisions of this Act;

(c) the name and post office address of the distributor;

(d) the word "pasteurized" only if its contents have been pasteurized; and

(e) the name and post office address of the plant at which the contents were pasteurized, if the contents are pasteurized.

S.H.A. 56½ § 148; J.A. 53.209.

149. MILK OR PRODUCTS NOT TO BE LABELED GRADE "A," WHEN.] § 15. No pasteurized or unpasteurized milk or milk products, produced, handled, stored, distributed, sold or delivered within the State by any person, shall carry a label, device or design nor shall it be otherwise indicated that milk or milk products are Grade "A" unless such milk or milk products conform to the provisions of this Act, and the minimum requirements adopted by the Director for the interpretation and enforcement of this Act. No person shall mark, label, advertise or otherwise represent by any means whatever, that milk or milk products are Grade A pasteurized or Grade A milk or milk products when such milk or milk products have not been produced, handled, processed or sold in conformity with the provisions of this Act, and the minimum requirements adopted by the Director.

S.H.A. 56½ § 149; J.A. 53.210.

150. DIRECTOR TO FORMULATE AND PUBLISH MINIMUM REQUIREMENTS.] § 16. The Director shall formulate, promulgate and adopt and publish such minimum requirements for the interpretation and enforcement of this Act as may be necessary.

S.H.A. 56½ § 150; J.A. 53.211.

151. PENALTY.] § 17. Any violations of the provisions of section 15 of this Act¹ shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) or imprisonment in the county jail for a term not to exceed one year, or both such fine and imprisonment in the discretion of the court. Each day's violation of any of the provisions of this Act shall constitute a separate offense.

S.H.A. 56½ § 151; J.A. 53.212.

GARBAGE

A—Cities Over 500,000

Chapter 24—An Act to authorize cities of a certain class to make contracts for a period exceeding one year relating to collection and final disposition of garbage and ashes. (Approved March 30, 1897, L. 1897, p. 95; title as amended by act approved July 10, 1935. L. 1935, p. 301.)

643—Cities over five hundred thousand may contract for limited period.

644—Duty to make annual appropriation.

¹Section 149 of this Chapter.

B—Cities Less Than 500,000

Chapter 24—An Act to authorize cities and villages having a population of less than 500,000 to levy a tax for the purpose of collecting and disposing of garbage. (Approved June 25, 1915. L. 1915, p. 285; title as amended by act approved February 21, 1931. L. 1931, p. 232.)

645—May establish and maintain garbage plants—Tax.

C—Cities and Villages

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

65.14—Care of streets, etc.

D—Criminal Code

Chapter 38—An Act to revise the law in relation to criminal jurisprudence. (Approved March 27, 1874, R. S. 1874, p. 348.)

466a—Dumping garbage.

467 —Punishment.

E—Roads and Bridges

Chapter 121—An Act to revise the law in relation to roads and bridges. (Approved June 27, 1913. L. 1913, p. 520.)

156—Depositing in road, weeds, garbage, etc.

NUISANCES

1—Cities and Villages

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

65.74—Nuisances, abatement of, etc.

65.14—Care of streets, etc.

2—Criminal Code (See page 167.)

Chapter 38—Act to March 27, 1874.

466 —Enumeration (of nuisances).

466a—Dumping garbage.

467 —Punishment.

3—State Militia

Chapter 129—An Act to establish a military and naval code for the State of Illinois, and to repeal all acts in conflict herewith. (Approved June 10, 1909. L. 1909, p. 437.)

57—May abate nuisance near training camp.

Penalty for failure to comply with order.

4—Foods

Chapter 561½—An Act to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare

that such conditions shall constitute a nuisance, and to provide for the enforcement thereof. (Approved June 5, 1911. L. 1911, p. 528.)

72—What declared a nuisance.

78—Fines—prosecution.

79—Penalties.

SWIMMING POOLS

AN ACT for the sanitary control of swimming pools. [Approved July 8, 1931. L. 1931, p. 735.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

88. SWIMMING POOL DEFINED.] § 1. Swimming pool as used in this Act shall mean an artificial pool of water and auxiliary structures including dressing and locker rooms, toilets, showers and other areas and enclosures that are intended for the use of persons using the pool but shall not include pools and auxiliary structures and equipment at private residences intended only for the use of the owner and friends.

S.H.A. 111½ § 88; J.A. 58.52.

89. SANITARY REQUIREMENTS TO BE ADOPTED.] § 2. The State Department of Public Health shall prepare, adopt and have printed minimum sanitary requirements for the design, construction, equipment and operation of swimming pools.

S.H.A. 111½ § 89; J.A. 58.53.

90. PERMIT REQUIRED FOR CONSTRUCTION.] § 3. No swimming pool shall be constructed after Oct. 1, 1931 unless and until plans, specifications and any additional information relative to such pool as may be requested by the State Department of Public Health shall have been submitted to said department and after review by said department found to comply with the minimum sanitary requirements provided in Section 2 of this Act and a permit for the construction of the pool issued by said department.

S.H.A. 111½ § 90; J.A. 58.54.

91. EQUIPMENT AND OPERATION MUST COMPLY WITH SANITARY REQUIREMENTS.] § 4. After Oct. 1, 1931 swimming pools shall have equipment and shall be operated so as to comply with the minimum sanitary requirements provided in Section 2 of this Act. Swimming pools constructed prior to Oct. 1, 1931, which do not fully comply with the minimum sanitary requirements as regards design and construction may be continued in use for such period as the State Department of Public Health may authorize, provided the equipment and operation of such swimming pool comply with the minimum sanitary requirements.

S.H.A. 111½ § 91; J.A. 58.55.

92. OPERATION AND ANALYTICAL RECORDS SUBMITTED TO DEPARTMENT OF PUBLIC HEALTH.] § 5. The owners and/or operators of swimming pools shall submit such operation and analytical records

as may be requested by the State Department of Public Health to determine the sanitary condition of the swimming pool.
S.H.A. 111½ § 92; J.A. 58.56.

93. VIOLATION OF ACT—POOL MAY BE CLOSED.] § 6. Whenever any duly authorized representative of the State Department of Public Health shall find that a swimming pool is being constructed, equipped or operated in violation of any of the provisions of this Act, the said department may grant such time as in its opinion may reasonably be necessary for changing the construction or providing equipment for operating the swimming pool to meet the provisions of this Act. If and when the duly authorized representative of the State Department of Public Health upon inspection and investigation of a swimming pool considers that the conditions are such as to warrant prompt closing of such swimming pool until the provisions of this Act are complied with, he shall notify the owner and/or operator of said swimming pool to prohibit any person from using said swimming pool and upon such notification to the sheriff and State's attorney of the county in which such pool is located, it shall be the duty of said State's attorney and sheriff to see that the notice of said representative of the State Department of Public Health shall be enforced. If and when the owner or operator of said pool, has in the opinion of the State Department of Public Health, met the provisions of this Act the said department may in writing authorize the use again of said swimming pool.

S.H.A. 111½ § 93; J.A. 58.57.

94. UPON FAILURE TO COMPLY WITH ACT, POOL DECLARED NUISANCE.] § 7. Any owner and/or operator of a swimming pool failing to comply with any provisions of this Act shall be guilty of maintaining a public nuisance and it shall be the duty of the State's attorney of the county in which such swimming pool is located and/or the Attorney General in the name of the people of the State of Illinois to act as provided by law for the abatement of public nuisances.

S.H.A. 111½ § 94; J.A. 58.58.

2—*Cities and Villages*

Chapter 24—An Act authorizing cities, villages, incorporated towns or park districts to construct and operate a natatorium or swimming pool, to charge for the use of the same, and to provide for the cost thereof by issuing bonds payable solely from revenue derived from the operation thereof, and to repeal an Act herein named. (Approved and in force February 20, 1935. L. 1935, p. 507.)

563 k—Terms defined.

563 l—Natatoriums authorized in municipalities and park districts of less than 500,000.

563 m—Acquisition of necessary property.

563 n—Issuance of bonds.

563 o—Ordinance—Publication—Referendum upon petition.

563 p—Bonds payable from revenues from natatorium—Interest.

563 q—Revenue from operation of natatorium.

563 r—Charge for use—Accounts.

563 s—Proceeding to compel compliance.

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)
65.81—Regulation of garages, stables, bathing beaches, etc.

ABSTRACT OF MOSQUITO-ABATEMENT-DISTRICT LAW

Any contiguous territory having a population of not less than three hundred inhabitants***may be organized as a mosquito abatement district in the following manner:

Any five per cent of the legal voters within the limits of the proposed***district may petition the county judge****to cause the question whether such territory shall be organized as a mosquito abatement district***to be submitted to the legal voters of such territory***.

Upon the filing of such petition***the county judge***shall give notice of the time and place of a hearing on the question of the necessity for the organization of such district and the boundaries of such district.***The hearing shall be held within twenty days after the petition is filed***.

After hearing the statements, evidence and suggestions if the county judge determines that considerations of public health and welfare make the organization of such district necessary he shall fix the boundaries of the proposed mosquito abatement district.

Thereupon the county judge shall submit the question of the organization of****a mosquito abatement district to the legal voters ***at an election to be held within thirty days after the entry of such determination upon the records of the county court***.

If a majority of the votes cast on the question are in favor of****a mosquito abatement district such territory shall thenceforth be deemed an organized mosquito abatement district under this Act***.

Within ten days after the organization of any mosquito abatement district***the county judge shall appoint a board of trustees, consisting of five members, for the government and control of the***district***.

The board of trustees***shall have power to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the district, and subject to the paramount control of the municipal or other public authorities, to abate as nuisances all stagnant pools of water and other breeding places for mosquitoes, flies or other insects within the district; to purchase such supplies and materials and to employ such labor and assistants as may be necessary or proper in furtherance of the objects of this Act***.

The board of trustees***shall in its work, advise and cooperate with the Department of Public Health of the State***.

Any mosquito abatement district***may levy and collect a general tax***, but the aggregate amount of taxes levied for any one year shall not exceed the rate of one-half of one mill on each dollar of taxable property***.

***and in the same manner as nearly as practicable as taxes are now levied for city and village purposes under the laws of this State.

All such general taxes when collected shall be paid to the treasurer of the board of trustees who is authorized to receive and receipt for the same***.

Any mosquito abatement district organized under the provisions of this Act may be dissolved and discontinued upon like petition, hearing and election as is provided in this Act for the organization of such district***.

S.H.A. 111½ § 74.

OHIO RIVER VALLEY WATER SANITATION

AN ACT approving, ratifying and enacting into law the Ohio River Valley Water Sanitation Compact for the prevention, abatement and control of pollution of the rivers, streams and waters in the Ohio River drainage basin and making the State of Illinois a party thereto; creating the Ohio River Valley Water Sanitation Commission; providing for the members of such Commission from the State of Illinois; and providing for the carrying out of said Compact. Approved July 22, 1939. L. 1939, p. 310, H. B. No. 891.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

117. OHIO RIVER VALLEY WATER SANITATION COMPACT.] § 1. The following Ohio River Valley Water Sanitation Compact, which has been negotiated by representatives of the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee and West Virginia, is hereby approved, ratified, adopted, enacted into law, and entered into by the State of Illinois as a party thereto and signatory state, namely:

OHIO RIVER VALLEY WATER SANITATION COMPACT

WHEREAS, a substantial part of the territory of each of the signatory states is situated within the drainage basin of the Ohio River; and

WHEREAS, the rapid increase in the population of the various metropolitan areas situated within the Ohio drainage basin, and the growth in industrial trial activity within that area, have resulted in recent years in an increasingly serious pollution of the waters and streams within the said drainage basin, constituting a grave menace to the health, welfare and recreational facilities of the people living in such basin, and occasioning great economic loss; and

WHEREAS, the control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof, and can best be accomplished through the cooperation of the states situated therein, by and through a joint or common agency;

NOW, THEREFORE, The states of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee and West Virginia do hereby covenant and agree as follows:

ARTICLE I

Each of the signatory states pledges to each of the other signatory states faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams and waters in the Ohio River basin which flow through, into or border upon any of such signatory states, and in order to effect such object, agrees to enact any necessary legislation to enable each such state to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate.

ARTICLE II

The signatory states hereby create a district to be known as the "Ohio River Valley Water Sanitation District," hereinafter called the District, which shall embrace all territory within the signatory states, the water in which flows ultimately into the Ohio River, or its tributaries.

ARTICLE III

The signatory states hereby create the "Ohio River Valley Water Sanitation Commission," hereinafter called the Commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory states or by act or acts of the Congress of the United States.

ARTICLE IV

The Commission shall consist of three commissioners from each state, each of whom shall be a citizen of the state from which he is appointed, and three commissioners representing the United States Government. The commissioners from each state shall be chosen in the manner and for the terms provided by the laws of the state from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the state from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any state or of the United States Government.

ARTICLE V.

The Commission shall elect from its number a chairman and vice-chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensations. It shall adopt a seal and suitable by-laws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more offices within the District for the transaction of its business, and may meet at any time or place. One or more commissioners from a majority of the member states shall constitute a quorum for the transaction of business.

The Commission shall submit to the Governor of each State, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose.

On or before the first day of December of each year, the Commission shall submit to the respective governors of the signatory States a full and complete report of its activities for the preceding year.

The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the signatory States, except by and with the authority of the legislature thereof.

ARTICLE VI

It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size, flow, location, character, self-purification and usage of waters within the District. The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as hereinbefore defined.

All sewage from municipalities or other political subdivisions, public or private institutions, or corporations, discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State, shall be so treated, within a time reasonable for the construction of the necessary works, as to provide for substantially complete removal of settleable solids, and the removal of not less than forty-five percent (45%) of the total suspended solids; provided that, in order to protect the public health or to preserve

the waters for other legitimate purposes, including those specified in Article I, in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation, due notice and hearing.

All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated, within a time reasonable for the construction of the necessary works, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, to such degree as may be determined to be necessary by the Commission after investigation, due notice and hearing.

All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent, if any, which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence.

The Commission is hereby authorized to adopt, prescribe and promulgate rules, regulations and standards for administering and enforcing the provisions of this Article.

ARTICLE VII

Nothing in this compact shall be construed to limit the powers of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State, imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

ARTICLE VIII

The Commission shall conduct a survey of the territory included within the District, shall study the pollution problems of the District, and shall make a comprehensive report for the prevention or reduction of stream pollution therein. In preparing such report, the Commission shall confer with any national or regional planning body which may be established, and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District. The Commission shall draft and recommend to the governors of the various signatory States uniform legislation dealing with the pollution of rivers, streams and waters and other pollution problems within the District. The Commission shall consult with and advise the various States, communities, municipalities, corporations, persons, or other entities with regard to particular problems connected with the pollution of waters, particularly with regard to the construction of plants for the disposal of sewage, industrial and other waste. The Commission shall, more than one month prior to any regular meeting of the legislature of any State which is a party thereto, present to the Governor of the State its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this compact.

ARTICLE IX

The Commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio River or any other river, stream or water, any part of which constitutes any part of the boundary line between any two or more of the signatory states, or into any stream any part of which flows from any portion of one signatory State through any portion of another signatory State. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified or treated or otherwise disposed of. The Commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States; and no such order upon a municipality, corporation, person or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such State.

It shall be the duty of the municipality, corporation, person or other entity to comply with any such order issued against it or him by the Commission, and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction, by mandamus, injunction, specific performance or other form of remedy, to enforce any such order against any municipality, corporation or other entity domiciled or located within such State or whose discharge of the waste takes place within or adjoining such State, or against any employee, department or subdivision of such municipality, corporation, person or other entity; provided, however, such court may review the order and affirm, reverse or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law enforcing official, shall have power to institute in such court any action for the enforcement of such order.

ARTICLE X

The signatory States agree to appropriate for the salaries, office and other administrative expenses, their proper proportion of the annual budget as determined by the Commission and approved by the Governors of the signatory States, one-half of such amount to be prorated among the several States in proportion to their population within the District at the last preceding federal census, the other half to be prorated in proportion to their land area within the District.

ARTICLE XI

This compact shall become effective upon ratification by the legislatures of a majority of the States located within the District and upon approval by the Congress of the United States; and shall become effective as to any additional States signing thereafter at the time of such signing.

IN WITNESS WHEREOF, The various signatory States have executed this compact through their respective compact commissioners. S.H.A. 111½ § 117; J.A. 16.157.

This Compact was ratified by the State of New York, by Laws 1939, ch. 945; by the State of Indiana, by Laws 1939, ch. 35.

118. CONSENT THAT VIRGINIA BECOME A PARTY.] § 2. The State of Illinois hereby consents that the State of Virginia may become a party to and a signatory State of the aforesaid Compact as fully as if it had been expressly named therein. S.H.A. 111½ § 118; J.A. 16.158.

119. OHIO RIVER VALLEY WATER SANITATION COMMISSION—ILLINOIS MEMBERS—TERMS—REMOVAL.] § 3. In pursuance of Article IV of said Compact,¹ there shall be three members (hereinafter called commissioners) of the Ohio River Valley Water Sanitation Commission (hereinafter called Commission) from the State of Illinois. The Governor, by and with the advice and consent of the Senate, shall appoint two persons as two of such commissioners, each of which shall be a resident and citizen of the State of Illinois. The terms of one of the said two commissioner first appointed shall be three years and of the other shall be six years; and their successors shall be appointed by the Governor, by and with the advice and consent of the Senate, for terms of six years each. Each commissioner shall hold office until his successor shall be appointed and qualified. Vacancies occurring in the office of any such commissioner from any reason or cause shall be filled by appointment by the Governor, by and with the advice and consent of the Senate, for the unexpired term. The third commissioner from the State of Illinois shall be the Director of the Department of Health, ex-officio, and the term of any such ex-officio commissioner shall terminate at the time he ceases to hold said office of Director of the Department of Health, and his successor as a commissioner shall be his successor as said Director of the Department of Health. With the exception of the issuance of any order under the provisions of Article IX of the Compact, said ex-officio commissioner may delegate, from time to time, to any deputy or other subordinate in his department or office the power to be present and participate, including voting, as his representative or substitute at any meeting of or hearing by or other proceeding of the Commission. The terms of each of the initial three members shall begin at the date of the appointment of the two appointive commissioners, provided the said Compact shall then have gone into effect in accordance with Article XI of the Compact; otherwise shall begin upon the date upon which said Compact shall become effective in accordance with said Article XI.¹

¹ Section 117 of this chapter.

Any Commissioner may be removed from office by the Governor upon charges and after a hearing, but opportunity to be heard shall be given.

S.H.A. 111½ § 119; J.A. 16.159.

120. POWERS OF COMMISSION—POWERS OF OTHER OFFICERS—JURISDICTION OF CIRCUIT COURTS.] § 4. There is hereby granted to the Commission and the commissioners thereof all the powers provided for in the said Compact and all the powers necessary or incidental to the carrying out of said Compact in every particular. All officers of the State of Illinois are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary to or incidental to the carrying out of said Compact in every particular; it being hereby declared to be the policy of the State of Illinois to perform and carry out the said Compact and to accomplish the purposes thereof. All officers, bureaus, department and persons of and in the state government or administration of the State of Illinois are hereby authorized and directed at convenient times and upon request of the said Commission to furnish the said Commission with information and data possessed by them or any of them and to aid said Commission by loan of personnel or other means lying within their legal powers respectively.

The Circuit Courts of the State of Illinois are hereby granted the jurisdiction specified in Article IX of said Compact, and the office of the Attorney General or any other law enforcing officer of the State of Illinois is hereby granted the power to institute any action for the enforcement of the orders of the Commission as specified in said Article IX of the Compact.¹

S.H.A. 111½ § 120; J.A. 16.160.

121. POWERS GRANTED HEREUNDER SUPPLEMENTARY.] § 5. Any powers herein granted to the Commission shall be regarded as in aid of and supplemental to and in no case a limitation upon any of the powers vested in said Commission by other laws of the State of Illinois or by the laws of the States of Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee and West Virginia, or by Congress or the terms of said Compact.

S.H.A. 111½ § 121; J.A. 16.161.

REGISTRATION OF BIRTHS AND DEATHS

AN ACT to provide for the registration of all births, stillbirths and deaths in the State of Illinois, and to repeal an act entitled, "An Act requiring reports of births and deaths, and the recording of the same, and prescribing a penalty for non-compliance with the provisions thereof, and repealing certain acts therein named," approved May 6, 1903, in force July 1, 1903. [Approved June 22, 1915. L. 1915, p. 660.]

36. STATE BOARD OF HEALTH SHALL HAVE CHARGE.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

¹ Section 117 of this chapter.

That the State Board of Health shall have charge of the registration of births, stillbirths, and deaths throughout the state. The said board shall be charged with the uniform and thorough enforcement of this act throughout the State, and shall cause to be preserved and kept the originals of all such records in the office of the State Board of Health in the capitol building at Springfield.

S.H.A. 111½ § 36; J.A. 12.01.

See note to § 21, ante.

37. SUPERINTENDENT OF REGISTRATION.] § 2. That the Secretary of the State Board of Health shall be the superintendent of such registration of births, stillbirths and deaths. The State Board of Health shall, in conformity with the law, provide for such clerical and other assistance as may be necessary for the purposes of carrying out the provisions of this act, and the said board may fix the compensation of persons thus employed within the amounts appropriated therefor by the General Assembly. Suitable quarters shall be provided by the Secretary of State for the registration of births, stillbirths, and deaths, which quarters shall be properly equipped with a fireproof vault and with filing cases for the permanent and safe preservation of all official records returned to said board under this act.

S.H.A. 111½ § 37; J.A. 12.02.

See note to § 28, ante.

38. REGISTRATION DISTRICTS.] § 3. That for the purposes of this act the State shall be divided into vital statistics registration districts (hereinafter referred to as registration districts) as follows:

Each city, village and incorporated town and each township in counties under township organization (excepting that portion of the township constituting a separate registration district) and each road district in counties not under township organization (excepting that portion of the road district constituting a separate registration district) shall constitute a registration district.

Whenever, in the opinion of the State Board of Health, it is advisable to subdivide a registration district located in territory outside of cities, villages or incorporated towns of less than 100,000 population, or to combine into one district two or more registration districts located in such territory, such consolidation or subdivision may be effected by such board, and whenever two or more registration districts are consolidated or a registration district is subdivided, the said board shall appoint a local registrar for each such newly created district.

S.H.A. 111½ § 38; J.A. 12.03.

Public health districts, see § § 1, et seq., ante.

Cited: P. v. Heckard, 254 A. 535, mod 341—144, 173 N. E. 124.

39. LOCAL REGISTRARS AND DEPUTIES.] § 4. That the local registrars for each registration district shall be as follows:

In cities, villages and incorporated towns, the clerk of the city, village or incorporated town shall be the local registrar for the purposes of this act. Provided, that in cities, villages and incorporated towns in which registration of births, stillbirths or deaths

is conducted under local ordinance, the officer of the city, village or incorporated town who is local registrar under such ordinance shall be the local registrar under this act, and such local registrars shall be subject to the rules and regulations of the State Board of Health and to all the provisions of this act.

In each township in counties under township organization, excepting those portions of the township constituting a separate registration district, the clerk of the township shall be the local registrar for the purposes of this act.

In each road district in counties not under township organization, excepting those portions of the road district constituting a separate registration district, the road district clerk shall be the local registrar for the purposes of this act.

Each local registrar, immediately upon taking office, shall, in conformity with the law, appoint a deputy whose duty it shall be to act in his stead in case of absence, illness or disability, and such deputy shall be subject to all rules and regulations governing local registrars. And when it may appear necessary for the convenience of the people in any registration district, the local registrar, when so directed by the State Board of Health, shall appoint, in conformity with the law, one or more suitable persons to act as sub-registrars, who shall act for the registrar in and for such portion of the registration district as may be designated by said State Board of Health; and each sub-registrar shall note over his signature the date on which each certificate was filed with him and shall forward all such certificates to the local registrar of the district within ten days and in all cases before the third day of the following month. All sub-registrars shall be subject to the supervision and control of the State Board of Health and shall be liable to the same penalties as local registrars, as provided in Section 21 of this act. S.H.A. 111½ § 39; J.A. 12.04.

Cited: P. v. Heckard, 254 A. 535, mod 341—144, 173 N. E. 124.

40. BURIAL PERMITS.] § 5. That the body of any person whose death has occurred in the State or which shall have been found therein, shall not be interred or disinterred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into or from place to place in any registration district, nor shall it be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for burial, removal or other disposition thereof shall have been properly issued by the local registrar, deputy or sub-registrar of the registration district in which the death occurred or the body was found. No burial or removal permit shall be issued by any such registrar until, whenever practicable, a complete and satisfactory certificate of death has been filed with him as hereinafter provided; Provided, that when a dead body is transported by common carrier into any registration district for burial therein, then the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial

permit. And, provided, further, that where it is necessary to obtain a burial or removal permit before completion of an inquest, the coroner may make out a temporary certificate pending inquest, which certificate shall, whenever practicable, give all the personal and statistical particulars required by this act and the rules of the State Board of Health. Such certificate shall be marked at the top: "For temporary use only," and shall state under the item cause of death "Inquest pending." Such temporary certificate shall not be considered a substitute for the permanent certificate provided for in Section 8 of this act.

No local registrar shall require from undertakers or persons acting as undertakers any fee for the issuance of burial or removal permits under this Act.

S.H.A. 111½ § 40; J.A. 12.05.

41. REGISTRATION OF STILLBIRTHS.] § 6. That a stillborn child shall be registered as a stillbirth and a certificate of stillbirth shall be filed with the local registrar in the same manner as required for a certificate of death. Provided, that a certificate of stillbirth shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician or midwife, if either was in attendance, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and if prematurely born, the period of uterogestation in months, if known; and a burial or removal permit of the form prescribed by the State Board of Health shall be required. Stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in Section 8 of this act. If twin, triplet or other plural birth, a separate certificate shall be required for each child in the order of birth.

S.H.A. 111½ § 41; J.A. 12.06.

42. WHAT CERTIFICATE OF DEATH TO CONTAIN.] § 7. The certificate of death shall contain at least the items of the Standard Certificate of Deaths, approved and adopted by the United States Bureau of the Census. The personal particulars shall be authenticated by the signature and address of the informant who shall be the nearest of kin or other competent person acquainted with the facts. The medical certificate shall be made and signed by the legally qualified physician, if any, last in attendance, or by the coroner.

Certificate of deaths or of stillbirth and record thereof required by this act shall not in the case of an illegitimate child or person contain the name or other identifying fact relating to the father or reputed father thereof, or to the mother thereof without the consent of the said father or reputed father to the use of his name, nor to the use of the name of the mother without her consent to the use of her name. [As amended by act approved July 3, 1931. L. 1931, p. 733.]

S.H.A. 111½ § 42; J.A. 12.07.

43. DEATH OCCURRING WITHOUT MEDICAL ATTENDANCE—WHAT CERTIFICATE TO CONTAIN.] § 8. In case of any death occurring without medical attendance, it shall be the duty of the undertaker or person acting as such to notify the coroner of such death, and the coroner shall thereupon proceed in accordance with the provisions of Section 10 of "An Act to revise the law in relation to coroners," approved February 6, 1874, as amended. The coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the Department of Public Health in order to properly classify the death. [As amended by act approved July 3, 1931. L. 1931, p. 733.] S.H.A. 111½ § 43; J.A. 12.08.

44. UNDERTAKER RESPONSIBLE FOR OBTAINING AND FILING CERTIFICATE—OTHER DUTIES.] § 9. That the undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the local or sub-registrar of the district in which the death occurred, and for securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the nearest of kin, or person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the coroner, if so directed by the local or sub-registrar, for the medical or coroner's certificate of the cause of death and other particulars necessary to complete the record. He shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the local or sub-registrar within the time limit for the issuance of a burial or removal permit; provided, that when the body is the subject of an inquest or investigation by the coroner, the personal and statistical particulars required herein shall be obtained by the coroner at the time of the inquest or investigation, and over the signature and address of the informant; Provided, further, that for deaths in hospitals and institutions, the personal and statistical particulars required herein shall be furnished by the physician or person in charge of such hospitals or institutions, who shall obtain the information from the records of said hospital or institution, as made and provided for in Section 16 of this act.

The undertaker shall deliver the burial permit to the person in charge of the place where the body is to be buried or otherwise disposed of before the interment or other disposal of the body, or, when the body is shipped by any common carrier, the transit or removal permit must accompany the corpse to its destination, in accordance with the official rules of the State Board of Health governing transportation of the dead, and said permit shall be delivered

to the person to whom the body is consigned, or to the person in charge of the cemetery or other place where interment or other disposition is to be made.

S.H.A. 111½ § 44; J.A. 12.09.

45. WORDING OF BURIAL PERMITS.] § 10. That if the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar and over his signature that permission is granted to inter, remove or otherwise dispose of the deceased, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the State Board of Health.

S.H.A. 111½ § 45; J.A. 12.10.

46. NO INTERMENT OR OTHER DISPOSITION OF BODIES WITHOUT PERMIT—RECORD—FILING OF PERMIT.] § 11. That no dead human body or part thereof shall be received by any person in charge of any premises in which interments and other disposition of human bodies are made unless said body or part thereof is accompanied by a burial permit, issued by any local registrar, as herein provided. Each person in charge of any burial ground or other place of disposition of dead human bodies shall keep a record in a book provided for the purpose, of each interment or other disposition of a human body made in the cemetery or other place of disposal in his charge. Such register or record shall be in a form prescribed by the State Board of Health and shall at all times be open to the inspection of said board, the local registrar or their duly authorized representatives. Each person in charge of any burial ground or other place of disposition of a human body shall file the burial or removal permit with the local registrar of the district in which the interment is made within three days from the date of receipt of such body, and he shall immediately report any violations or attempted violations of this act to the local registrar of his district. Provided, that the undertaker or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within three days with the registrar of the district in which the cemetery is located; and provided, further, that when the death occurs in another registration district in the State of Illinois that the local registrar of the district in which the body is buried or otherwise disposed of, shall within three days, return all such burial or removal permits to the local registrar issuing same, after having stated on the back of the permit any departure from the provisions of the permit as to place of burial or otherwise, and the local registrar of the district in which the death occurred shall note any such departure on the original death or stillbirth certificate and on the copy or copies thereof.

S.H.A. 111½ § 46; J.A. 12.11.

47. REGISTRATION OF BIRTHS—WHO TO FILE CERTIFICATE.] § 12. That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

It shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, and in a form prescribed by the State Board of Health, with the local or sub-registrar of the district in which the birth occurred within ten days after the date of birth. If there be no attending physician or midwife, then it shall be the duty of the father, or in case of death or absence of the father, it shall be the duty of the mother, and in the event of the death or disability of the mother, then it shall be the duty of the householder where the birth occurred, to file such certificate of birth with the local registrar within ten days after such birth; or if the birth occurred in a public or private institution, it shall be the duty of the manager or superintendent of such institution to file with the local or sub-registrar a certificate of such birth, properly and completely filled out as required by this act: Provided, that in order to prevent blindness and otherwise conserve the health and life of infants, the State Board of Health on request of any health officer of any registration district, shall direct and require that persons, residing in such district, charged with the duty of reporting births, shall file with the local registrar such reports within twenty-four hours, and for this purpose, a short form on postal card may be used; Provided, further, that said brief postal card report shall not take the place of the complete report provided for in this act, and that no fees shall be paid to registrars, deputy registrars or sub-registrars for receiving, handling or recording such postal form reports.

S.H.A. 111½ § 47; J.A. 12.12.

48. CERTIFICATE OF BIRTH.] § 13. That the certificate of birth shall contain at least the items of the standard certificate of birth as approved and adopted by the United States Bureau of the Census. Provided, that the certificate of birth and record thereof required by this act, shall not, in the case of an illegitimate child, contain the name of [or] other identifying fact, relating to the father or reputed father or to the mother thereof, without the consent of said father or reputed father to the use of his name, nor the use of the name of the mother without her consent to the use of her name.

S.H.A. 111½ § 48; J.A. 12.13.

48a. UPON ADOPTION CERTIFICATE BEARING NEW NAME ISSUED.] § 13a. Whenever a decree of adoption has been entered declaring a child adopted in any court of competent jurisdiction in the State of Illinois, a certificate of the decree of adoption may be recorded with the proper department of registration of births, and a certificate of birth shall issue upon request, bearing the new name of the child as shown in the decree of adoption, the names of the foster parents of the said child, age, sex, date of birth, but no reference in any birth certificate shall have reference to the adoption of the said child. However, original registration of births shall remain a part of the record of the said department of birth registration, provided, however, there shall be no difference in the color of birth registration cards or certificates, whether the child be legitimate or illegitimate. [Added by act approved July 3, 1931. L. 1931, p. 734.]

S.H.A. 111½ § 48a; J.A. 12.14.

48b. MARRIAGE OF PARENTS OF ILLEGITIMATE CHILD.] § 13b. Whenever the parents of an illegitimate child intermarry before a certificate of birth is filed as required by this Act, such child shall be considered legitimate and the certificate of birth shall be made accordingly.

In any case when the parents of an illegitimate child have intermarried after a certificate of birth is filed as required by this Act, a certificate of such marriage may be recorded with the Department of Public Health and a new certificate of birth shall issue upon request in the same form as certificate of birth for a legitimate child. The Department of Public Health shall also send copies of the new certificate of birth to the local registrar and the county clerk of the district where the birth occurred. The local registrar and county clerk shall substitute such copies of the new certificate of birth for the copies previously filed, and shall send the copies previously filed to the Department of Public Health. The Department of Public Health shall put the certificate of marriage filed, the original certificate of illegitimate birth, and the copies sent by the local registrar and county clerk in a sealed package. Such sealed package shall not be opened except upon order of a court of record. [Added by act approved June 30, 1933. L. 1933, p. 838.]
S.H.A. 111½ § 48b; J.A. 12.15.

48c. CERTIFICATE OF FOUNDLING.] § 13c. Whoever finds any child of unknown parentage shall within five days report to the local registrar. Such report shall be made on a form approved by the Department of Public Health, and shall state the date and place of finding, the sex and color of the child, the approximate date of birth of the child, and the name and address of the person or institution with whom the child had been placed for care. The place where the child was found shall be known as the legal place of birth, and the date of birth shall be determined by approximation and shall be known as the legal date of birth.

The person, superintendent or manager of the institution with whom such foundling child is placed for care shall give such child a name, and shall report the name given to the local registrar within ten days after the child has been received. The local registrar shall endorse upon each report of birth of a foundling child received by him the date upon which the report was received by him, and such report shall constitute the certificate of birth for such foundling child.

If any foundling child shall later be identified, and a certificate of birth be found or obtained, the certificate of birth as a foundling child provided for herein shall be cancelled by the Department of Public Health with citation to the certificate of birth on file in the Department.

The provisions of this act relating to certificates of birth shall apply in the same manner and with the same effect to the certificates of birth for foundlings provided for herein. [Added by act approved June 30, 1933, L. 1933, p. 838.]
S.H.A. 111½ § 48c; J.A. 12.16.

49. WHEN CERTIFICATE OF BIRTH IS FILED WITHOUT GIVEN NAME—REPORT OF PRIOR BIRTHS.] § 14. That when any certificate of birth of a living child is presented without the statement of the given name, then the local or sub-registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to such registrar as soon as the child shall have been named. Where the birth of a child born prior to the taking effect of this act has not been recorded, or in case of failure to report any birth which occur subsequent to the taking effect of this act within the time prescribed herein, such report may be received and filed by the local registrar, for the purposes and uses of this act, when such report is accompanied by affidavits of the father or mother of the child, or if neither father nor mother of the child is living, of the nearest of kin or guardian. S.H.A. 111½ § 49; J.A. 12.17.

50. PHYSICIAN, MIDWIFE, UNDERTAKER AND SEXTON SHALL REGISTER WITH REGISTRAR.] § 15. That every physician, midwife, undertaker and sexton shall without delay register his or her name, address and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence; and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Board of Health relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Board of Health of all physicians, midwives, undertakers and sextons who have been registered in his district during the whole or any part of the preceding calendar year; Provided, that no fee or any compensation shall be charged by local registrars to physicians, midwives, undertakers or sextons for registering their names under this section or for making returns thereof to the State Board of Health. S.H.A. 111½ § 50; J.A. 12.18.

51. HOSPITALS, ALMSHOUSES, LYING-IN AND OTHER INSTITUTIONS TO MAKE RECORD.] § 16. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates of their institutions at the date of taking effect of this act, that are required in the forms of the certificates prescribed by the State Board of Health; and thereafter such record shall be, by them, made for all future inmates at the time of their admission. And in case of persons admitted or committed for medical or surgical treatment of disease or injury, the physician in charge shall specify for entry in the records the nature of the disease or injury, and where, in his opinion, it was contracted or received. The personal particulars and information required shall be obtained from the individual himself if it is practicable to do so, and when they cannot be so obtained, they shall be secured in as complete a manner as possible from relatives, friends or other persons acquainted with the facts. S.H.A. 111½ § 51; J.A. 12.19.

52. STATE BOARD OF HEALTH TO PRESCRIBE FORM OF REPORTS—REQUIREMENTS AS TO FILLING IN—OTHER DUTIES.] § 17. That the State Board of Health shall prescribe all forms of reports of births, stillbirths and deaths and shall prepare, print and supply all local registrars with copies of all blanks and forms sufficient to carry out the provisions of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration and no other blanks shall be used than those supplied by the State Board of Health: Provided, that in any city, incorporated town or village, the local department or board of health or the city clerk, as the case may be, may have printed blank forms bearing such items of record or instructions as may be necessary for the needs and purposes of carrying out the provisions of local ordinances, not in conflict with the forms prescribed or approved by the State Board of Health, and provided further, that the State Board of Health shall not supply the short form on postal cards for the reporting of births, mentioned in Section 12 of this Act.¹

All forms prescribed by the Board of Health under this Act shall have printed near the top of such form the instructions following: "Fill in this form (except signature) on a typewriter or by legible printing."

The State Board of Health shall carefully examine the certificates received monthly from the local registrars and if any such are incomplete or unsatisfactory shall require such further information to be furnished as may be necessary to make the records complete and satisfactory. All physicians, midwives, coroners, superintendents of hospitals or institutions, informants, undertakers or sextons, connected with any birth, stillbirth or death, and all other persons having knowledge of the facts, shall furnish such information as they may possess regarding any death, stillbirth or birth, (excepting such information as may divulge the parentage of an illegitimate child, as provided in Section 13 of this Act²), upon demand of the State Board of Health, by mail, or through an accredited representative. Said board shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive card index of all births and deaths registered, and shall compile and publish for the information of the citizens of the state, an annual report of births and deaths, which report shall contain such data as, in the opinion of the said board will serve to promote public health and the general welfare of the citizens of the state. [As amended by act approved July 20, 1939. L. 1939, p. 839, H. B. No. 614.] S.H.A. 111½ § 52; J.A. 12.20.

53. DUTIES OF LOCAL REGISTRARS.] § 18. That it shall be the duty of the local registrars to supply blank forms of certificates to such persons as require them. Each local registrar or sub-registrars shall carefully examine each certificate of birth, stillbirth or death when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State

¹ Section 47 of this chapter.

² Section 48 of this chapter.

Board of Health, and if any certificate of death or stillbirth is incomplete or unsatisfactory, it shall be the duty of the local registrar to call attention to the defects in the return and at his discretion he may withhold issuing the burial or removal permit until such defects are corrected. If the certificate of death or stillbirth is properly executed and is complete, as far as is practicable, he shall then issue a burial or removal permit to the undertaker: Provided, that in case the death occurred from any disease that is communicable and dangerous to the public health, the permit for the removal or other disposition of the body shall be granted by the local or sub-registrar, under such rules as may be prescribed by the State Board of Health, or under local rules or ordinances not in conflict with the rules of the State Board of Health. If a certificate of birth is incomplete, the local registrar shall immediately notify the person making such report and require him or her to supply the missing items if they can be obtained. The local registrar shall number consecutively the certificates of births, stillbirths and deaths in three separate series, beginning with No. 1 for the first birth, stillbirth or death in each calendar year, and sign his name as local registrar in the attest of the date of filing in this office. He shall also make a complete and accurate copy or copies of each birth, stillbirth and death certificate registered by him on blank certificates of births, stillbirths and deaths, or in a record book of approved form prescribed by the State Board of Health. Local registrars shall deposit with the county clerks of their respective counties on the tenth day of each month, one complete set of the records of births, stillbirths and deaths registered with them during the preceding month, and the county clerks are charged with the binding and indexing, or recording, and safe keeping of such records. Provided, however, that the local registrar shall obtain the given name of the child before reporting a birth to the county clerk. Each local registrar shall, on the tenth day of each month, transmit to the State Board of Health all original certificates registered by him, including those received from his sub-registrars, during the preceding month. Provided, that any city, incorporated town or village which is a registration district for the purposes of this act, may cause to be made extra copies of any or all birth, stillbirth and death certificates filed with the local registrar, such extra copies to be in addition to those copies which are required to be made for and turned over to the county clerk, as provided for in this act, and such extra copies may be retained by any city, incorporated town or village as its permanent record.

If no birth, stillbirth or death occurred in any month, the local registrar shall on the tenth day of the following month, report that fact to the State Board of Health and the county clerk, on a card provided for that purpose. [As amended by act filed June 28, 1917. L. 1917, p. 759.]

S.H.A. 111½ § 53; J.A. 12.21.

Where vital statistics records for years 1915 to 1918 were in possession of local registrar, held, in mandamus proceeding, he must deliver them to county clerk, notwithstanding county's failure to reimburse city for cost of compiling records. P. v. Heckard, 341—144, 173 N. E. 124, mod'g 254 A. 535.

54. REGISTRAR'S FEES—HOW AND BY WHOM PAID.] § 19. That each registrar for a registration district shall be paid the sum of twenty-five cents (\$0.25) for each birth, stillbirth and death certificate properly and completely made out, filed with and registered by him, up to an aggregate annual total of five thousand certificates, and for each such certificate so made out and filed with and registered by him, in excess of an annual total of five thousand certificates, the registrar shall be paid the sum of [ten cents] (\$0.10). Provided, that the original of all such certificates have been turned over by him to the State Board of Health and that accurate copies of all such certificates have been made and turned over by him to the county clerk of his county as provided for in this act. In case no birth, stillbirth or death was registered during a month, the local registrar shall be paid the sum of [twenty-five cents] (\$0.25) for a report to that effect, but only if such report be made promptly as required by this act.

When no record of a birth exists or when report of birth is not made within the time prescribed by this act and affidavits are required to establish such record, the local registrar who receives and files such records shall be entitled to the sum of twenty-five cents (\$0.25) to be paid by the person upon whose application the birth is recorded. Provided, that, in registration districts coextensive with cities, villages or incorporated towns in which registration of births, stillbirths or deaths is conducted under local ordinances and the local registrars receive fixed salaries in lieu of fees, all fees received under this act shall be paid into the treasuries of such cities, villages or incorporated towns.

The State Board of Health shall, at the close of each calendar year, certify to the county clerk of each of the several counties the number of births, stillbirths and deaths properly registered in his county, with the names of the persons entitled to the prescribed fees, and the amount due each at the rate fixed in this act.

The amounts payable to local registrars under the provisions of this act are hereby made and declared to be a charge upon the county in which said fees accrue, and the county clerk, or other county officer by whom warrants on the county treasurer are issued, of each of the several counties, shall issue to such local registrars his warrant upon the county treasurer of said county for the amount of fees due each person entitled to said fees in his county as certified to by the State Board of Health, and the county treasurer of said county shall pay the same upon presentation. It shall be the duty of all boards of county commissioners or boards of supervisors, as the case may be, to appropriate such amounts as may be necessary for efficiently carrying out the provisions of this act in their respective counties.

S.H.A. 111½ § 54; J.A. 12.22.

County board is not required to make appropriation to compensate local vital statistics registrar for delivering records to county clerk until amount is certified by state board of health. P. v. Heckard, 341—144, 173 N. E. 124, mod'g 254 A. 535.

55. CERTIFIED COPIES OF RECORD OF BIRTH OR DEATH—FEE.] § 20. The State Board of Health, any local registrar or any county clerk shall, on request, furnish a certified copy of the record of any birth,

stillbirth or death to any applicant entitled to the same upon the payment by such applicant of a fee of fifty cents (\$0.50) to the maker of such certified copy. Any such copy of a birth, stillbirth or death, when properly certified to by the State Board of Health or the local registrar or the county clerk, shall be prima facie evidence in all courts and places of the facts therein stated; Provided, that the United States Census Bureau may obtain, without expense to the state, transcripts or certified copies of birth, stillbirth and death certificates without payment of the fees herein prescribed; and provided further, that the State Board of Health, in its discretion and in the interests of promoting registration of births, may issue, without fee, to the parents or guardian of any or every child whose birth has been registered in accordance with the provisions of this act, a special certificate of birth, limited in its statement of items from the record of birth, to the name of the child, names of the parents, date and place of birth, date recorded, and the name of the attendant; such certificate, however, shall not be deemed as fulfilling the requirements of the certified copy of a record of birth for which payment is hereinbefore provided. S.H.A. 111½ § 55; J.A. 12.23.

Death certificate signed by coroner, not deceased employee's attending physician, based on coroner's inquest, held hearsay as to cause of death and incompetent in compensation proceeding. *Plano Foundry Co. v. Industrial Commission*, 356—186, 190 N. E. 255.

56. OFFENSES AND PENALTIES.] § 21. That any person, who for himself or as an officer, agent, or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate, or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall wilfully alter, otherwise than is hereinafter provided in this act, or shall falsify any certificate of birth, stillbirth or death, or any record established in this act; or (d) being required by this act to fill out a certificate of birth, stillbirth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail or neglect, or refuse to perform such duty in the manner required by this act; or (e) being a local registrar, deputy registrar, or sub-registrar, shall fail, neglect, or refuse to perform his duty as required by this act and by the instructions and directions of the State Board of Health thereunder, shall be deemed guilty of a misdemeanor and upon conviction thereof shall for the first offense be fined not less than five dollars (\$5) nor more than fifty dollars (\$50) and for each subsequent offense not less than (\$10) nor more than one hundred dollars (\$100), or be imprisoned in the county jail not more than sixty days, or be both fined and imprisoned in the discretion of the court.

Provided, That marginal notes placed on a certificate or report of birth, stillbirth or death, by a local registrar, or any official empowered by this act to record such certificates or records, and attested by the signature of such registrar or official, shall not be considered as an alteration in violation of the provision of this act.
S.H.A. 111½ § 56; J.A. 12.24.

57. ENFORCEMENT OF ACT.] § 22. That each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this act in his district under the supervision and direction of the State Board of Health. He shall make immediate report to the State Board of Health of any violation of this law coming to his knowledge, by observation or upon the complaint of any person, or otherwise. The State Board of Health is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and is hereby granted supervisory power over local registrars, deputy local registrars and sub-registrars, to the end that all its requirements shall be uniformly complied with. The State Board of Health, or its accredited representatives, shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid said board upon request, in such investigations. And when it is deemed necessary, the State Board of Health shall report cases of violation of any of the provisions of this act to the State's Attorney of the county, with a statement of the facts and circumstances; and when any such case is reported to the said State's Attorney by the State Board of Health, said State's Attorney shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of the law. And upon request of the State Board of Health, the Attorney General shall likewise assist in the enforcement of the provisions of this act.

Provided, that in cities, incorporated towns or villages, operating under local ordinances, the local registrar may report such violation to the city or local prosecuting attorney and any such prosecuting attorney so notified shall forthwith initiate and promptly follow up the necessary court proceedings, and when violation involves both local ordinances and statutes, the State's Attorney and the Attorney General, upon request of the State Board of Health, shall likewise assist in the enforcement of the provisions of this act.
S.H.A. 111½ § 57; J.A. 12.25.

[§ 23. Repeal.]

AN ACT to regulate and to authorize the issuing of Birth Certificates and to register legal births by adoption. [Approved July 6, 1937. L.1937, p. 1006.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

57.1. CERTIFIED RECORD OF ADOPTION.] § 1. Whenever a Decree of Adoption has been entered in the Circuit or County Court within the State of Illinois, and upon request of one or both of the petitioners to the adoption, or the child who has been adopted, or a lawyer in good

standing, to the Clerk of the Court that the Decree of Adoption has been entered, and upon the payment of One Dollar (\$1.00) the Clerk of the Court shall prepare a certified record of the adoption on blanks to be prepared and kept by the Clerk of the Court.
S.H.A. 111½ § 57.1; J.A. 12.27.

57.2 CERTIFICATE OF LEGAL BIRTH BY ADOPTION.] § 2. The Certificate of Record of the legal birth by adoption prepared shall be on blanks substantially as follows:

CERTIFICATE OF BIRTH

Registration District_____		Registration No. _____Court
County Clerk_____	County	_____County
Full Name of Child_____		
Sex of Child	Twins or others	Date of Birth
_____	_____	_____

FATHER

Full Name_____

Residence_____

City_____

County_____

State_____

MOTHER

Full Name_____

Residence_____

City_____

County_____

State_____

Docket No._____

Petition Filed_____

Decree entered_____

I _____ Clerk of the _____ Court of _____ County, State of Illinois, hereby certify that a Decree of Adoption has been entered by the Honorable _____ Judge of the said Court on the _____ day of _____ A. D. _____ and that the said Decree contains the facts as above stated by me and are a true statement of the name of the child by adoption, its date of birth; the name of the adopting Father and Mother is herein made.

Clerk of the _____ Court
of _____ County, Illinois

Seal

Clerk of Court_____

Certificate issued_____

This stub is to be a permanent record of the Clerk of the Court. In case of more than one child adopted in a Decree of Adoption, separate certificates shall be issued for each child.

Docket No._____ Petition filed_____ Decree entered_____

copies mailed to State Department of Health_____

Local Registrar_____ County Clerk_____

S.H.A. 111½ § 57.2; J.A. 12.28.

57.3 COPIES TO BE TRANSMITTED.] § 3. The Clerk of the Court issuing the Certificate shall send one copy to the State Department of Health, one copy to the Local Registrar and one copy to the County Clerk of the County where the Decree of Adoption has been entered.
S.H.A. 111½ § 57.3; J.A. 12.29.

57.4. PERMANENT RECORDS.] § 4. The State Department of Health, the Local Registrar, and the County Clerk upon receipt of the certificate of birth shall make a permanent record of the birth in the manner in force in their respective offices, so that one or more birth certificates can issue upon request.
S.H.A. 111½ § 57.4; J.A. 12.30.

57.5. ISSUANCE OF BIRTH CERTIFICATE.] § 5. When a request for a birth certificate has been made either with the State Department of Health, or the Local Registrar or the County Clerk upon the payment of the usual fee for Birth Certificates, a Birth Certificate shall issue showing the Father's name, the Mother's name, name of child and date of birth.
S.H.A. 111½ § 57.5; J.A. 12.31.

57.6. FORM OF BIRTH CERTIFICATE.] § 6. All Birth Certificates issued in the State of Illinois shall be uniform as to size, color of paper or ink or inks, and design. No Birth Certificate shall ever state that the child has been adopted, is legitimate or illegitimate, or is a natural birth or birth by adoption.
S.H.A. 111½ § 57.6; J.A. 12.32.

57.7. RECORD OF ISSUANCE.] § 7. When a request for a certificate for a Birth Certificate has been made and issued by the Clerk of the Court, the Clerk of the Court shall cause to be stamped in the docket in the same adoption proceedings "Certificate for Birth Certificate issued_____"

Date of Issue

S.H.A. 111½ § 57.7; J.A. 12.33.

57.8. ACT APPLICABLE ONLY TO ISSUANCE OF BIRTH CERTIFICATE.] § 8. Nothing in this Act shall be construed to regulate the office of the registering of births except as to the Birth Certificate to be issued to the public.
S.H.A. 111½ § 57.8; J.A. —.

EMBALMING AND DISPOSAL OF DEAD BODIES

AN ACT to revise the law in relation to the regulation of the practice of embalming. [Approved June 24, 1919. L. 1919, p. 528.]

58-60. §§ 1-3. Repealed. Act filed July 8, 1935. L.1935, p. 1083.

See section 73.31, post.

60a. POWERS AND DUTIES OF DEPARTMENT.] § 3-a. The Department of Registration and Education shall exercise, but subject to the provisions of this Act, the following functions, powers and duties:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as registered embalmers, and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

(2) Prescribe rules and regulations for a method of examination of candidates.

(3) Prescribe rules and regulations defining what shall constitute a school, college or university, or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or other institution reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

(4) Establish a standard of preliminary education deemed requisite to admission to a school, college or university and to require satisfactory proof of the enforcement of such standard by said schools, colleges and universities.

(5) To conduct hearings on proceedings to suspend or revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.

(6) Formulate rules and regulations when required in any Act to be administered.

None of the foregoing functions or duties shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Embalming Committee which shall be composed of persons designated from time to time by the Director of Registration and Education to take such action and to make such report for the profession involved herein as follows:

Five (5) persons each of whom has been a licensed practitioner of embalming in this State for at least five years prior to his designation and no one of whom is in any way connected with or interested in a school or college where embalming is taught.

The action or report in writing of a majority of the Committee designated shall be sufficient authority upon which the Director of Registration and Education may act.

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

Whenever the Director is satisfied that substantial justice has not been done in an examination, he may order a re-examination by the same or other examiners. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 60a; J.A. 44.03(1) note.

This section was added to Act of Act of 1919, June 24, Laws 1919, p. 528, by Act of 1935, July 10, Laws 1935, p. 1079, § 1. At the same session of the General Assembly, the Act of 1919, as amended, was repealed by Act of 1935, July 8, Laws 1935, p. 1083, art. 3, § 11 (section 73.31 of this chapter). The insertion of this section should not be taken as an expression of opinion as to whether or not it is in effect.

61-66. §§ 4-9. Repealed. Act filed July 8, 1935. L. 1935, p. 1083.

See section 73.31, post.

67. WHEN CERTIFICATE MAY BE REFUSED, REVOKED.] § 10. The Department of Registration and Education may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration for any one, or any combination, of the following causes:

(a) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;

(b) The obtaining of or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(c) Continued practice by a person knowingly having an infectious or contagious disease;

(d) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.

The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by mailing the same by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Embalming Committee designated by the Director of Registration and Education, as provided in this Act, shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee may continue such hearing from time to time. If the Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. [As amended by act approved July 10, 1935. L. 1935, p. 1079.] S.H.A. 111½ § 67; J.A. 44.10 and note.

This section was amended, and sections 67a-67i of this chapter were added, by Act of 1935, July 10, Laws 1935, p. 1079, § 1. At the same session of the General Assembly, the Act of 1919, as amended, was repealed by Act of 1935, July 8, Laws 1935, p. 1083, art. 3, § 11 (section 73.31 of this chapter). The insertion of these sections should not be taken as an expression of opinion as to whether or not they are in effect.

This section, prior to amendment, was repealed by Act approved July 8, 1935, L. 1935, p. 1083. The insertion of this section should not be taken as an indication that it is still in effect.

See section 73.31, post.

67a. DEPARTMENT MAY TAKE TESTIMONY—ADMINISTER OATHS.]

§ 10-a. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Embalming Committee shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oath required or authorized in any Act administered by the Department. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67a; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67b. COMPELLING TESTIMONY.] § 10-b. Any circuit or superior

court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, recall, suspension or revocation of certificate of registration, and the court or judge may compel obedience to its or his order by proceedings for contempt. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67b; J.A. 44.10(1)-44.10(9) note.

Section 67 of this chapter.

67c. RECORD OF PROCEEDINGS.] § 10-c. The Department, at its

expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefore of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67c; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67d. REPORT OF COMMITTEE—REHEARING.] § 10-d. The Com-

mittee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this Act for the service of the citation. Within twenty (20)

days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days.

Whenever the Director is satisfied that substantial justice has not been done, he may order a rehearing by the same or another special committee. At the expiration of the time specified for filing a motion for a rehearing the Director shall have the right to take the action recommended by the committee. Upon the suspension or revocation of his certificate of registration, a registrant shall be required to surrender his certificate of registration to the Department, and upon his failure or refusal so to do, the Department shall have the right to seize the same. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67d; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67e. RESTORATION OF CERTIFICATE.] § 10-e. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the embalming committee. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67e; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67f. REVIEW OF ORDER.] § 10-f. The Circuit or Superior Court of the County wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and the venue is not otherwise fixed herein, such venue shall be in Sangamon County.

Such writ shall be issued by the Clerk of the Court upon praecipe and it shall be served at least ten days before the return day thereof. Service upon the Director, Assistant Director or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided for in this Act. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67f; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67g. ORDER PRIMA FACIE EVIDENCE.] § 10-g. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. Such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of department officers and of the committee necessary to the validity of such order were pursuant to authority conferred by the Director. [Added by act approved July 10, 1935. L. 1935, p. 1079.] S.H.A. 111½ § 67g; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

67h. APPEAL TO SUPREME COURT.] § 10-h. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. [Added by act approved July 10, 1935. L. 1935, p. 1079.]

S.H.A. 111½ § 67h; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

Supreme Court Rules, see ch. 110, §§ 259.1-259.71, ante.

Appeals in civil cases, see ch. 110, § 198 et seq., ante.

67i. STAY OF ORDER.] § 10-i. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the Circuit or Superior Court or the Supreme Court, as the case may be, in its discretion may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe. No such stay shall be granted by the court otherwise than upon ten days' notice to the Department and after a hearing. [Added by act approved July 10, 1935. L. 1935, p. 1079.] S.H.A. 111½ § 67i; J.A. 44.10(1)-44.10(9) note.

Repeal of this section by Act of 1935, see note to section 67 of this chapter.

68-73. §§ 11-17. Repealed. Act filed July 8, 1935. L. 1935, p. 1083.

See section 73.31, post.

Section 70 was also repealed by Act approved July 10, 1935, L. 1935, p. 1079.

FUNERAL DIRECTORS AND EMBALMERS

AN ACT in relation to the regulation of persons engaged in the practice of funeral directing and embalming, and to repeal an Act therein named. [Filed July 8, 1935. L. 1935, p. 1083.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

ARTICLE I

LICENSING OF FUNERAL DIRECTORS

73.1. "DEPARTMENT" DEFINED.] § 1. The term "Department" when used in this Act, unless inconsistent or repugnant to the context, means the Department of Registration and Education. S.H.A. 111½ § 73.1; J.A. 44.17(1).

73.2. PRACTICE OF FUNERAL DIRECTING.] § 2. Conducting or engaging in or representing or holding out oneself as conducting or engaged in any one or any combination of the following practices, constitutes the practice of funeral directing:

(a) The business of preparing, otherwise than by embalming, for the burial or disposal and directing and supervising the burial or disposal of dead human bodies.

(b) The business of providing or maintaining a place for preparing for the disposition of dead human bodies or for caring for dead human bodies prior to their disposition.

(c) Using in connecting with his name or business, the word "funeral director," "undertaker," "mortician," "funeral home," "funeral parlor," "funeral chapel," or any other title implying that he is engaged in the business herein described. S.H.A. 111½ § 73.2; J.A. 44.17(2).

73.3 LICENSE REQUIRED TO PRACTICE FUNERAL DIRECTING.] § 3. After the first day of January, 1936, it shall be unlawful for any person to practice, or to attempt to practice, funeral directing without a certificate of registration as a registered funeral director, issued by the Department.

Nor shall any person practice funeral directing who does not have a fixed place of business or establishment devoted to the care and preparation for burial or for transportation of dead human bodies, or who is not regularly employed in such a place of business or establishment.

S.H.A. 111½ § 73.3; J.A. 44.17(3).

73.4. QUALIFICATIONS TO RECEIVE CERTIFICATE OF REGISTRATION AS FUNERAL DIRECTOR.] § 4. A person is qualified to receive a certificate of registration as a registered funeral director:

(a) Who is at least twenty-one (21) years of age, and a citizen of the State of Illinois;

(b) Who is of good moral character and temperate habits;

(c) Who is a holder of a certificate of registration as a Registered Embalmer, issued by the Department.

(d) Who has passed a satisfactory examination conducted by the Department to determine his fitness to receive a certificate of registration as a registered funeral director.

However, any person of good moral character and temperate habits who was engaged in the practice of funeral directing in the State of Illinois, on July 1, 1935, shall be issued a certificate of registration as a registered funeral director, upon application therefor, prior to July 1, 1936, without examination and without complying with the other provisions of this section.

S.H.A. 111½ § 73.4; J.A. 44.17(4).

73.5. APPLICATION.] § 5. Every person who desires to obtain a certificate of registration shall apply therefor to the Department in writing on forms prepared and furnished by the Department. Such application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by affidavits from at least two reputable residents of the county in which the applicant resides or proposes to practice funeral directing, to the effect that the applicant is of good moral character and of temperate habits, and shall also be accompanied by the required fee.

S.H.A. 111½ § 73.5; J.A. 44.17(5).

73.6. EXAMINATIONS.] § 6. The Department shall hold examinations of applicants for certificates of registration as registered funeral directors at such times and places as it may determine. The examination may include both practical demonstrations and written and oral tests and shall embrace the subjects of sanitary science, health regulations in relation to the handling of dead human bodies, measures used by funeral directors for the prevention of the spread of diseases, and such other subjects relating to the care and handling of dead human bodies as the Department by rule may prescribe.

S.H.A. 111½ § 73.6; J.A. 44.17(6).

73.7. ISSUANCE, DISPLAY OF CERTIFICATE.] § 7. Whenever the provisions of this Act have been complied with, the Department shall issue a certificate of registration as a registered funeral director.

Every holder of a certificate of registration shall display it in a conspicuous place in his place of business or in the place of business in which he is employed, or in case he is engaged in funeral directing at more than one place of business, then in his principal place of business or the principal place of business of his employer.

S.H.A. 111½ § 73.7; J.A. 44.17(7).

73.8. RENEWAL — RESTORATION — PRACTICE BY CORPORATION, PARTNERSHIP, ETC.] § 8. Every registered funeral director who continues in the active practice of funeral directing, shall, annually, on or before the first day of January, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of January in any year, shall expire on the first day of February of that year. A registered

funeral director whose certificate of registration has expired, may have his certificate of registration restored only upon payment of the required restoration fee.

Any registered funeral director who has retired from the practice of funeral directing for more than two years and who is desirous of again receiving a certificate of registration as a registered funeral director, must comply with the conditions prescribed in this Act for the registration of unregistered persons, before a certificate of registration shall issue.

No corporation, partnership, firm or association of individuals, as such, shall be issued a certificate or registration as a registered funeral director, nor shall any corporation, partnership, firm or association of individuals, or any individual connected therewith, publicly advertise such corporation, partnership, firm or association of individuals as being registered funeral directors or as being engaged in the practice of funeral directing: Provided, however, that any person of good moral character and temperate habits who was engaged in the practice of funeral directing on July 1, 1935, as an owner, member or employee of a corporation, partnership, association or firm, or any corporation, partnership, firm or association so engaged, shall be permitted to continue to engage in the practice of funeral directing and to publicly advertise as being so engaged, if the said owner, member or employee shall have complied with all other provisions of this Act.

S.H.A. 111½ § 73.8; J.A. 44.17(8).

73.9. FUNERAL DIRECTOR LICENSED IN ANOTHER STATE.] § 9. An applicant who is a funeral director registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, upon satisfactory proof that he has been actively engaged in the practice of funeral directing therein for a period of not less than five years and upon payment of the required fee, may be granted a certificate of registration as a registered funeral director by the Department, in its discretion, without examination, upon the following conditions:

(a) That the applicant is at least twenty-one (21) years of age, of good moral character and temperate habits, and

(b) That the requirements for the registration or licensing of funeral directors in the particular state, territory, country or province were at the date of his license substantially equal to the requirements then in force in this State.

S.H.A. 111½ § 73.9; J.A. 44.17(9).

73.10. REFUSAL TO ISSUE OR RENEW—SUSPENSION OR REVOCATION OF CERTIFICATE.] § 10. The Department may either refuse to issue or may refuse to renew or may suspend or may revoke any certificate of registration for any one or any combination of the following causes:

(a) The obtaining of or an attempt to obtain a certificate of registration by fraudulent misrepresentation.

(b) Conviction of a felony as shown by a certified copy of the record of the court of conviction.

(c) Violation of the laws of this State relating to the burial or disposal of dead human bodies or of the rules and regulations of the Department, or the Department of Public Health.

(d) For conclusive proof that the funeral director has directly or indirectly paid or caused to be paid any sum of money or other valuable consideration for the securing of business or for obtaining authority to dispose of any dead human body.

(e) For incompetency or untrustworthiness in the practice of funeral directing.

(f) Upon satisfactory proof that the funeral director has employed someone not legally registered or licensed in any position or for any work for which a certificate of registration of license is herein required.

S.H.A. 111½ § 73.10; J.A. 44.17(10).

ARTICLE II

EMBALMING

73.11. PRACTICE OF EMBALMING.] § 1. The embalming or representing or holding out oneself as engaged in the business of embalming of dead human bodies or the preparation for transportation of human bodies dead of a contagious or infectious disease, constitutes the practice of embalming.

S.H.A. 111½ § 73.11; J.A. 44.17(11).

73.12. CERTIFICATE OF REGISTRATION REQUIRED TO PRACTICE EMBALMING OR TO SERVE AS APPRENTICE.] § 2. It is unlawful for any person to practice or attempt to practice embalming without a certificate of registration as a registered embalmer issued by the Department.

It is also unlawful for any person to serve or attempt to serve as an apprentice under a registered embalmer without a certificate of registration as a registered apprentice issued by the Department.

No registered apprentice may independently practice embalming. However, a registered apprentice may under the immediate personal supervision of a registered embalmer assist a registered embalmer in the practice of embalming.

S.H.A. 111½ § 73.12; J.A. 44.17(12).

73.13. QUALIFICATIONS TO RECEIVE CERTIFICATE AS EMBALMER.] § 3. A person is qualified to receive a certificate of registration as a registered embalmer:

- (a) Who is at least twenty-one (21) years of age;
- (b) Who is of a good moral character and temperate habits;
- (c) Who is graduated from a four year high school or secondary school approved by the Department, or who has completed an equivalent course of study as determined by an examination conducted by the Department of Registration and Education;

(d) Who has graduated from a school of embalming which requires as a pre-requisite to graduation, the completion of a course of study of at least six months, duration, approved by the Department;

(e) Who has studied embalming in this State under an embalmer registered under this or any prior act for at least one year. However, no credit shall be given for the study of embalming in this State under a registered embalmer unless the applicant during the period of study was a registered apprentice; and

(f) Who has passed an examination conducted by the Department to determine his fitness to receive a certificate of registration as a registered embalmer.

(g) Who is properly protected against communicable diseases. S.H.A. 111½ § 73.13; J.A. 44.17(13).

73.14. QUALIFICATIONS TO RECEIVE CERTIFICATE AS APPRENTICE.] § 4. A person is qualified to receive a certificate of registration as a registered apprentice:

(a) Who is at least eighteen (18) years of age;

(b) Who is of good moral character and temperate habits;

(c) Who has graduated from a four-year high school or secondary school approved by the Department, or who has completed an equivalent course of study as determined by an examination conducted by the Superintendent of Public Instruction;

(d) Who has entered upon the study of embalming under a registered embalmer; and

(e) Who in the case of persons applying therefor after January 1, 1934, has graduated from a college of embalming which requires as a prerequisite to graduation, the completion of a course of study of at least six months duration approved by the Department.

(f) Who is properly protected against communicable diseases. S.H.A. 111½ § 73.14; J.A. 44.17(14).

73.15. APPLICATION.] § 5. Every person who desires to obtain a certificate of registration shall apply therefor to the Department, in writing, upon blanks prepared and furnished by the Department. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant under oath, and shall be accompanied by the required fees. S.H.A. 111½ § 73.15; J.A. 44.17(15).

73.16. EXAMINATIONS FOR EMBALMERS.] § 6. The Department shall hold examinations of applicants for certificates of registration as registered embalmers at such times and places as it may determine.

The examination of applicants for certificates of registration as registered embalmers may include both practical demonstrations and written and oral tests and shall embrace the subjects of anatomy, sanitary science, and the care, preservation, embalming, transportation and burial of dead human bodies. The Department may, by rule, prescribe additional subjects for examination. S.H.A. 111½ § 73.16; J.A. 44.17(16).

73.17. ISSUANCE, DISPLAY OF CERTIFICATES—PRESENT LICENSEES.] § 7. Whenever the provisions of this Act have been complied with, the Department shall issue a certificate of registration as a registered embalmer, or a certificate of registration as a registered apprentice, as the case may be. Any license or certificate of registration hereto-

fore issued under the laws of this State, authorizing its holder to practice embalming or to serve as an apprentice shall, during the unexpired period for which it was issued, serve the same purpose as the certificate of registration as a registered embalmer or as a registered apprentice provided for by this Act.

Every holder of a certificate of registration shall display it in a conspicuous place in his principal office, place of business or employment.

S.H.A. 111½ § 73.17; J.A. 44.17(17).

73.18. RENEWAL—RESTORATION.] § 8. Every registered embalmer and every registered apprentice who continues in active practice or service shall, annually, on or before the first day of January, renew his certificate of registration and pay the required renewal fee. Every certificate of registration which has not been renewed during the month of January in any year shall expire on the first day of February in that year. A registered embalmer or a registered apprentice whose certificate of registration has expired may have his certificate of registration restored only upon payment of the required restoration fee.

Any registered embalmer who retires from the practice of embalming for more than two years and who is desirous of again securing a certificate of registration as a registered embalmer, must comply with the conditions prescribed in this Act for the registration of unregistered persons, before a certificate of registration shall issue. However, if any registered embalmer, who has retired from the practice of embalming for more than two years, has been practicing embalming under the laws of another state or territory of the United States or of a foreign country or province, he may renew his certificate of registration upon the payment of ten dollars (\$10.00).

S.H.A. 111½ § 73.18; J.A. 44.17(18).

73.19. EMBALMERS LICENSED IN ANOTHER STATE OR COUNTRY.] § 9. An applicant who is an embalmer, registered or licensed under the laws of another state or territory of the United States or of a foreign country or province, upon satisfactory proof that he has been actively engaged in the practice of embalming therein for a period of not less than five years and upon payment of the required fee, may be granted a certificate of registration as a registered embalmer by the Department, in its discretion, upon the following conditions:

(a) That the applicant is at least twenty-one (21) years of age, of good moral character and temperate habits; and

(b) That the requirements for the registration or licensing of embalming in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State.

S.H.A. 111½ § 73.19; J.A. 44.17(19).

73.20. REFUSAL TO ISSUE OR RENEW—SUSPENSION OR REVOCATION.] § 10. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke any certificate of registration for any one, or any combination, of the following causes:

(a) The obtaining of, or an attempt to obtain a certificate of registration, or practice in the profession, or money, or any other thing of value by fraudulent misrepresentation;

(b) Conviction of a felony as shown by certified copy of the record of a court of conviction;

(c) A violation of the laws of this State relating to the embalming of dead human bodies, or of the rules and regulations of the Department, or of the Department of Public Health;

(d) Continued practice by a person knowingly having an infectious or contagious disease;

(e) For incompetency or untrustworthiness in the practice of embalming; or

(f) Upon satisfactory proof that the embalmer has employed some one not legally registered or licensed in any position or for any work for which a certificate of registration or license is herein required.

S.H.A. 111½ § 73.20; J.A. 44.17(20).

ARTICLE III

ADMINISTRATION AND ENFORCEMENT

73.21. EXERCISE OF DUTIES UPON REPORT OF PROFESSIONAL COMMITTEE.] § 1. None of the functions or duties enumerated in this Act shall be exercised by the Department of Registration and Education except upon the action and report in writing of the committee on funeral directing and embalming, which shall consist of five persons appointed from time to time by the Director of Registration and Education, each of whom has been engaged in the practice of funeral directing and embalming in this State for at least five (5) years prior to his appointment and is not in any way connected with or interested in any school or college where funeral directing or embalming is taught.

S.H.A. 111½ § 73.21; J.A. 44.17(21).

73.22. HEARING FOR SUSPENSION OR REVOCATION.] § 2. The Department shall, before suspending or revoking any certificate and at least ten days prior to the date set for the hearing, notify in writing the holder of such certificate of any charges made and shall afford said registrant an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of same personally to the registrant or by mailing same by registered mail to the last known business address of such registrant. The hearing on such charges shall be at such time and place as the department shall prescribe. The department shall have the power to subpoena and bring before it any person in this State, or take testimony of any such person by deposition, with the same fees and mileage, in the same manner as prescribed by law in judicial procedure in courts of this State in civil cases. If the department shall determine that any registrant is guilty of a violation of any of the provisions of this Act, said certificate shall be suspended or revoked.

S.H.A. 111½ § 73.22; J.A. 44.17(22).

73.23. COMPELLING PRODUCTION OF TESTIMONY.] § 3. Any circuit judge or any judge of a circuit court upon application of the applicant, registrant or of the department may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the department in any hearing relating to the refusal, suspension or revocation of certificates of registration. Upon refusal or neglect to obey the order of the court or judge, the court or judge may compel by proceedings for contempt of court obedience of its or his order.
S.H.A. 111½ § 73.23; J.A. 44:17(23).

73.24. REVIEW OF ORDER OF SUSPENSION OR REVOCATION—APPEAL TO SUPREME COURT.] § 4. In all cases where the department suspends or revokes a certificate of registration, the circuit or Superior Court of the county wherein is located the principal place of business of the registrant as shown in the certificate last issued to him, shall have power to review such suspension or revocation by writ of certiorari to the department. Such writ of certiorari shall be issued by the clerk of such court upon præcipe. Service upon the director, assistant director or superintendent of registration, shall be of service of the department, or service thereof may be had by mailing notice of the commencement of the proceedings and of the return day of the writ, by registered mail, to the office of the department, at least ten days before the return day. Such suit by writ of certiorari may be commenced within twenty days of the receipt of the notice of the decision of the department by the person whose certificate is revoked or suspended.

Upon the filing of such suit after due notice and hearing and proper showing of probable error in the action of the department, the court may suspend the operation of such revocation or suspension during the pendency of such suit and upon such terms as the court may deem proper to protect the public interest.

If upon the trial of any such suit, it shall appear that any issue arising therein has not theretofore been presented to or determined by the department, the court shall, before proceeding to render judgment, transmit to the department a statement of such issue or issues and shall stay further proceedings for fifteen days. Further stay may be granted from time to time. Upon the receipt of such statement, the department shall consider the issues not theretofore determined, and upon the action and report of a majority of the committee on funeral directing and embalming, may alter, modify, amend or rescind its decision and shall report its order thereon to the court without unnecessary delay. Thereupon, the court shall proceed with such action and shall have power to revise all questions of law and fact arising on the record.

The department shall not be required to certify the record of its proceedings to such court unless the person commencing the proceedings shall pay to the department the sum of five cents per hundred words of testimony taken by the department, and three cents per hundred words of all other matters contained in such record. Exhibits shall be certified without cost.

Judgments and orders of such court under this section, upon the application of the department or of the person affected, shall be reviewed only by the Supreme Court by notice of appeal which the Supreme Court in its discretion may grant leave to file upon application showing probable error, which application for leave to file notice of appeal must be filed not later than the second day of the first term of the Supreme Court following the rendition of the judgment or order sought to be reviewed. But if the first day of said term is less than thirty days from the rendition of said judgment or order, then said application for leave to appeal may be made not later than the second day of the second term following the rendition thereof, but not otherwise. The notice of appeal filed upon leave granted shall operate as a supersedeas.

Except as is provided in this Section the procedure and practice as to presentation, filing, serving, docketing and answering the application for leave to appeal and the presentation of the appeal record and the abstract thereof, shall be the same as in other civil cases of application to the Supreme Court for leave to appeal.
S.H.A. 111½ § 73.24; J.A. 44.17(24).

73.25. RULES AND REGULATIONS.] § 5. The Department is authorized to make reasonable rules and regulations relating to the enforcement of this Act. The Department shall require each funeral director to maintain a preparation room properly equipped with necessary drainage and ventilation facilities and containing instruments and supplies necessary for the preparation and embalming of dead human bodies for burial or transportation. (See "Instructions and Information for Undertakers" printed by the State Department of Public Health.)
S.H.A. 111½ § 73.25; J.A. 44.17(25).

73.26. FEES.] § 6. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration as a registered funeral director or registered embalmer is five dollars (\$5.00).

The fee to be paid by an applicant for an examination to determine his primary education is two dollars (\$2.00).

The fee to be paid upon the renewal of a certificate of registration is two dollars (\$2.00).

The fee to be paid by an applicant for a certificate of registration as a registered funeral director or a registered embalmer who is a funeral director or an embalmer registered or licensed under the laws of another State or territory of the United States or of a foreign country or province is ten dollars (\$10.00).

The fee to be paid by an applicant for a certificate of registration as a registered apprentice in embalming is two dollars (\$2.00).

The fee to be paid by any person who is engaged in the practice of funeral directing on July 1, 1935, for a certificate of registration as a registered funeral director under the provisions of Section 4, of Article I of this Act¹ is five dollars (\$5.00).

¹ Section 73.4, ante.

The fee to be paid for the restoration of an expired certificate of registration is two dollars (\$2.00).
S.H.A. 111½ § 73.26; J.A. 44.17(26).

73.27. PENALTIES FOR VIOLATIONS.] § 7. Each of the following acts is a misdemeanor punishable upon conviction by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or by imprisonment in the county jail for not less than ten (10) days nor more than [three] (3) months or by both such fine and imprisonment:

(a) The practice of funeral directing or of embalming or an attempt to practice funeral directing or embalming without a certificate of registration as a registered funeral director or a registered embalmer respectively;

(b) Service as an apprentice under a registered embalmer or an attempt to serve as an apprentice under a registered embalmer without a certificate of registration as an apprentice;

(c) The obtaining of or the attempting to obtain a certificate of registration, or business, or any other thing of value by fraudulent representation;

(d) Permitting any person in one's employ, or under one's service to serve as a funeral director, or as an embalmer, or as an apprentice under a registered embalmer unless that person has a certificate of registration as a registered funeral director, or as a registered embalmer, or as a registered apprentice, as the case may be; and

(e) The failure to display the certificate of registration as required in Section 7 of Article 1¹ and Section 7 of Article II of this Act.²

If any person in making any oath or affidavit required by this Act swears falsely, such person is guilty of perjury and upon conviction thereof shall be punished accordingly.

S.H.A. 111½ § 73.27; J.A. 44.17(27).

73.28. RECORD TO BE KEPT BY DEPARTMENT.] § 8. The Department shall keep a record which shall be open to public inspection at all reasonable times, of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, known place of business and residence, and the date and number of the certificate of registration of every registered funeral director, registered embalmer and registered apprentice in this State.

S.H.A. 111½ § 73.28; J.A. 44.17(28).

73.29. PERSONS EXEMPT FROM ACT—JURISDICTION OF CITIES AND VILLAGES.] § 9. No provision of this Act shall apply to, or in any way interfere with the duties of any officer of any public institution, nor with the duties of any officer of a medical college, county medical society, anatomical association, college of embalming, or any other recognized person carrying out the provision of the sections of the Statutes of the State of Illinois, prescribing the conditions under

¹ Section 73.7 ante.

² Section 73.17, ante.

which indigent dead human bodies are held subject for scientific or anatomical study; nor with the customs of rites of any religious sect in the burial of their dead.

Nothing in this Act shall have the effect of limiting the power of cities and villages to tax, license and regulate funeral directors, undertakers and undertaking establishments. The requirements hereof shall be in addition to the requirements of any existing or future ordinance of any city or village so taxing, licensing or regulating funeral directors, undertakers and undertaking establishments. S.H.A. 111½ § 73.29; J.A. 44.17(29).

73.30. PARTIAL INVALIDITY.] § 10. The provisions of this Act are hereby declared to be separable and if any section or part of the Act is declared to be unconstitutional such unconstitutionality shall not affect the validity of the remaining portions of the Act if they can be given effect without the invalid portions. S.H.A. 111½ § 73.30; J.A. 44.17(30).

73.31. ACT REPEALED.] § 11. "An Act to revise the law in relation to the regulation of the practice of embalming," approved June 24, 1919,¹ as amended, is repealed. S.H.A. 111½ § 73.31; J.A. 44.17(31).

COMMUNITY NURSES

AN ACT providing for community nurses in certain cities, villages and incorporated towns and permitting a tax therefor. [Approved June 30, 1925. L. 1925, p. 193.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

35d. APPOINTMENT.] § 1. The mayor of any city, village or incorporated town in the State, having a population of more than five thousand (5,000) and less than one hundred thousand (100,000) inhabitants, which has adopted this Act, shall appoint, upon the recommendation of the municipal board of health, one or more registered nurses, to be known as community nurses, who shall perform such duties as may be assigned to them by the health officer of the municipality. S.H.A. 111½ § 35d; J.A. 21.619.

35e. TAX LEVY.] § 2. Such city may levy a tax of not more than three-twentieths (3/20) mills on the dollar of assessment valuation of all property in such city to provide revenue for the salary of and expenses incident to the performance of the duties of the community nurses.

Such tax shall be in addition to the maximum of taxes permitted under section 1 of Article VIII of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended. [As amended by act approved July 7, 1927. L. 1927, p. 233.]

S.H.A. 111½ § 35e; J.A. 21.620.

¹ Laws 1919, p. 528.

35f. REFERENDUM.] § 3. Whenever, sixty days prior to the date of any regular election, one hundred or more legal voters of any such city, village or incorporated town, shall present a petition to the city council or board of trustees, as the case may be, asking that the question of the adoption of this Act be submitted to the voters of the municipality at such election, the city council or board of trustees shall instruct the clerk of the city, village or incorporated town to publish notice that the question will be submitted to the voters of the municipality at such election.

The question shall be submitted to the voters of the municipality at such election in substantially the following form:

For the adoption of "An Act providing for community nurses in certain cities, villages and incorporated towns, and permitting a tax therefor."	YES	
	NO	

If a majority of the votes cast at such election are in favor of the adoption of this Act, it shall be adopted and be in force thereafter in such municipality.

* S.H.A. 111½ § 35f; J.A. 21.621.

PUBLIC HEALTH NURSING

AN ACT in relation to Public Health Nursing. [Approved May 4, 1931. L. 1931, p. 732.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

35g. EMPLOYMENT AUTHORIZED.] § 1. Every city council, village board, county board or commissioners, school board and town board is hereby authorized and empowered to employ nurses and to make appropriations for the compensation and necessary expenses of such nurses, for such public health nursing duties as may be deemed necessary by such authorities respectively: Provided, whenever the employing authority shall be governed by any law regulating any civil service and the method of selecting employees, all public health nurses of such employing authority shall be selected and appointed under and subject to all provisions of such law.

S.H.A. 111½ § 35g; J.A. 91.15.

35h. QUALIFICATIONS—"DEPARTMENT" AND "COMMITTEE" DEFINED.] § 2. All nurses employed as public health nurses by public authorities shall be registered under the "Illinois Nursing Act"¹ and must be certified as qualified to perform the duties of public health nursing in accordance with the minimum standards therefor adopted by the Department of Registration and Education. Provided, that a nurse registered in this State may be employed without certification for not more than one year as an assistant to registered and certified public health nurse, except where the method of selecting and classifying nurses is prescribed by civil service law.

The word "Department," whenever used in this Act shall mean the Department of Registration and Education; and the word "Committee" shall mean the Examining Committee provided for in the "Illinois Nursing Act."¹ [As amended by act approved July 12, 1937. L. 1937, p. 913, (H.B.N.1048).]
S.H.A. 111½ § 35h; J.A. 91.16.

35h1. APPLICATION.] § 2-A. Every Illinois registered nurse who desires to obtain a certificate of registration as a certified Public Health Nurse shall apply to the Department in writing, upon blanks prepared and furnished by the Department of Registration and Education. Each application shall contain proof of the particular qualifications required of the applicant, shall be verified by the applicant, under oath, and shall be accompanied by the required fee. [Added by act approved July 12, 1937. L. 1937, p. 998.]
S.H.A. 111½ § 35h1; J.A. 91.16(1).

35i. § 3. Repealed by act approved July 12, 1937. L. 1937, p. 998.

35il. POWERS AND DUTIES OF DEPARTMENT OF REGISTRATION AND EDUCATION.] § 3-A. The Department of Registration and Education shall exercise, but subject to the provisions of the Act, the following functions, powers and duties:

1. Conduct examinations to ascertain the qualifications and fitness of applicants for certificates of registration as certified public health nurses and pass upon the qualifications of applicants for reciprocal licenses, certificates and authorities.

2. Prescribe rules and regulations for a method of examination of candidates.

3. Prescribe rules and regulations defining what shall constitute a school, college or university or department of a university, or other institution or organization reputable and in good standing and to determine the reputability and good standing of a school, college, or other institution or organization reputable and in good standing by reference to a compliance with such rules and regulations; provided that no school, college or university, or department of a university or other institution or organization that refuses admittance to applicants, solely on account of race, color or creed shall be considered reputable and in good standing.

4. Adopt rules providing for and establishing a uniform and reasonable standard of maintenance, instruction, and training to be observed by all schools or organizations for public health nurses which are to be deemed reputable and in good standing and to determine the reputability and good standing of such schools or organizations for public health nurses by reference to compliance with such rules and regulations.

5. Establish a standard of preliminary education deemed requisite to admission to a school, college, university, institution or organization and to require satisfactory proof of the enforcement of such standard by said school, college, university, institution or organization.

¹ Chapter 91, §§ 23-35.

6. Conduct hearings on proceedings to revoke or refuse renewal of licenses, certificates or authorities of persons applying for registration or registered under the provisions of this Act and to revoke or refuse to renew such licenses or certificates or authorities.

7. Formulate rules and regulations for the administration of this Act.

None of the foregoing functions, powers or duties enumerated shall be exercised by the Department of Registration and Education except upon the action and report in writing of the Examining Committee provided for in the "Illinois Nursing Act."¹ [Added by act approved July 12, 1937. L.1937, p. 998.]
S.H.A. 111½ § 35il; J.A. 91.17(1).

35j. § 4. Repealed by act approved July 12, 1937. L. 1937, p. 998.]

35jl. QUALIFICATIONS FOR CERTIFICATE.] § 4-A. A person is qualified to receive a certificate as a certified Public Health Nurse:

- (a) Who is at least twenty-one years of age:
- (b) Who is of good moral character and temperate habits:
- (c) Who holds a certificate of registration as a registered nurse under the "Illinois Nursing Act."¹
- (d) Who has completed at least one of the following requirements:

1. One year of experience under the direct supervision of a registered and certified public health nurse, together with a four months' course in public health nursing in a university or college approved by the Department of Registration and Education.

2. One year of experience under the supervision of an organized public health nursing staff approved by the Department of Registration and Education, together with a four months' course in public health nursing in a university or college approved by the Department of Registration and Education.

3. A one year's course in public health nursing in a university or college approved by the Department of Registration and Education.

(e) Who has passed an examination conducted by the Department of Registration and Education to determine his or her fitness to receive a certificate of registration as a registered nurse. [Added by Act approved July 12, 1937. L. 1937, p. 998.]

35k. § 5. Repealed by Act approved July 12, 1937. L. 1937, p. 998.

35kl. ISSUANCE OF CERTIFICATE — CERTIFICATES HERETOFORE ISSUED.] § 5-A. Whenever the provisions of this Act have been complied with, the Department shall issue a certificate of registration as a certified public health nurse.

Any certificate of registration heretofore issued under the laws of this State, authorizing its holder to practice nursing as a certified public health nurse shall serve the same purpose as the certificate of

¹ Chapter 91, §§ 23-35.

registration as a certified public health nurse provided for by this Act. [Added by Act approved July 12, 1937. L. 1937, p. 998.] S.H.A. 111½ § 35k1; J.A. 91.19(1).

35l. DEPARTMENT OF PUBLIC HEALTH TO AID—REPORTS.] § 6. Public health nurses shall receive upon request the aid and advice of the Department of Public Health in regard to nursing problems and such public health nurses shall make written reports with the consent of the council, board, or other authority employing them to said Department of Public Health, in such form and at such times as shall be prescribed by said department. S.H.A. 111½ § 35l; J.A. 91.20.

35.1. RENEWAL OF CERTIFICATE.] § 7. Every certified public health nurse who continues in active practice shall, annually, on or before the first day of April, renew his or her certificate of registration by the payment of a renewal fee therefor unless a renewal fee is paid as a registered nurse under the "Illinois Nursing Act". The payment of an annual renewal fee as a registered nurse under the "Illinois Nursing Act" shall constitute a renewal of the certificate issued under this Act. Every certificate of registration which has not been renewed during the month of April in any year shall expire on the thirtieth day of April in that year. A certified public health nurse whose certificate of registration has expired may renew his or her certificate of registration only upon payment of the required restoration fee.

Any certified public health nurse who retires from the practice of public health nursing for not more than five years may renew his or her certificate of registration only upon payment of all lapsed fees. [Added by Act approved July 12, 1937. L. 1937, p. 998.] S.H.A. 111½ § 35.1; J.A. 91.21.

35.2. CAUSES FOR REFUSAL TO ISSUE OR RENEW OR FOR SUSPENSION OR REVOCATION—HEARINGS.] § 8. The Department may either refuse to issue, or may refuse to renew, or may suspend, or may revoke, any certificate of registration, for any, or any combination of the following causes:

(a) The wilful violation, of, or the wilful procuring of, or knowingly assisting in the violation of, any Act which is now or which hereafter may be in force in this State relating to the use of habit forming drugs;

(b) The wilful violation of, or the wilful procuring of, or knowingly assisting in the violation of any Act, which is now or which hereafter may be in force in this State relating to the practice of abortion;

(c) The obtaining of, or an attempt to obtain a certificate of registration or practice in the profession, or money, or any other thing of value by fraudulent representation;

(d) Gross negligence in the practice of public health nursing;

(e) Continued practice by a person knowingly having an infectious, communicable, or contagious disease;

¹ Chapter 91, §§ 23-35.

(f) Habitual drunkenness, or habitual addiction to the use of morphine, cocaine, or other habit forming drugs.

The Department may upon its own motion, and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation as hereinabove set forth, investigate the actions of any person holding or claiming to hold a certificate. The Department shall, before refusing to issue, suspending or revoking any certificate, at least ten (10) days prior to the date set for the hearing, notify in writing the applicant or the holder of such certificate of any charges made and shall afford such accused person an opportunity to be heard in person or by counsel in reference thereto. Such written notice may be served by delivery of the same personally to the accused person, or by registered mail to the place of business last theretofore specified by the accused person in his last notification to the Department. At the time and place fixed in the notice, the Committee designated by the Director of Registration and Education, as provided in the "Illinois Nursing Act"¹ shall proceed to hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present in person or by counsel, such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. The Committee, as aforesaid, may continue such hearings from time to time. If the said Committee shall not be sitting at the time and place fixed in the notice or at the time and place to which hearing shall have been continued, the Department shall continue such hearing for a period not to exceed thirty (30) days. [Added by Act approved July 12, 1937. L. 1937, p. 998.] S.H.A. 111½ § 35.2; J.A. 91.22.

35.3. SUBPOENAS—OATHS.] § 9. The Department shall have power to subpoena and bring before it any person in this State and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial procedure in civil cases in courts of this State.

The Director, Assistant Director, Superintendent of Registration and any member of the Committee designated by the Director shall each have power to administer oaths to witnesses at any hearing which the Department is authorized by law to conduct, and any other oaths required or authorized in any Act administered by the Department. [Added by act approved July 12, 1937. L. 1937, p. 998.] S.H.A. 111½ § 35.3; J.A. 91.23.

35.4. COMPELLING ATTENDANCE OF WITNESSES.] § 10. Any circuit or superior court or any judge thereof, either in term time or vacation, upon the application of the accused person or complainant or of the Department, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Department in any hearing relative to the application for or refusal, suspension or revocation of certificate of registration, and

¹ Chapter 91, §§ 23-35.

the court or judge may compel obedience to its or his order by proceedings for contempt. [Added by act approved July 12, 1937. L. 1937, p. 1001, (H. B. No. 1048).]
S.H.A. 111½ § 35.4; J.A. —.

35.5. RECORD OF PROCEEDINGS.] § 11. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case wherein a certificate is revoked or suspended. The notice of hearing, complaint and all other documents in the nature of pleadings, the transcript of testimony, the report of the Committee and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment therefor of twenty-five cents per one hundred words for each original transcript and eight cents per one hundred words for each carbon copy thereof ordered with the original: Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be eight cents per hundred words. [Added by act approved July 12, 1937. L. 1937, p. 998.]
S.H.A. 111½ § 35.5; J.A. 91.25.

35.6. REPORT OF COMMITTEE—REHEARING.] § 12. The Committee shall present to the Director its written report of its findings and recommendations. A copy of such report shall be served upon the accused person, either personally or by registered mail as provided in this section for the service of the citation. Within twenty (20) days after such service, said accused person may present to the Department his motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If said accused person shall order and pay for a transcript of the record as provided in this section, the time elapsing thereafter and before such transcript is ready for delivery to him shall not be counted as part of such twenty days. [Added by act approved July 12, 1937. L. 1937, p. 998 (H. B. No. 1048).]
S.H.A. 111½ § 35.6; J.A. 91.26.

35.7. RESTORATION OF CERTIFICATE.] § 13. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person without examination, upon the written recommendation of the Committee designated by the Director. [Added by act approved July 12, 1937. L. 1937, p. 1002, (H. B. No. 1048).]
S.H.A. 111½ § 35.7; J.A. 91.26.

35.8. REVIEW BY CIRCUIT COURT.] § 14. The circuit or superior court of the county wherein the accused person resides shall have power to review any order of revocation or suspension and all questions of law and fact thereon by writ of certiorari to the Department, provided that if the accused person is not a resident of this State and that the venue is not otherwise fixed herein, such venue shall be in the¹ Sangamon County. Such writ shall be issued by the Clerk of the Court upon praecipe and it shall be served at least ten days before

¹ So in enrolled bill. Probably should be omitted.

the return day thereof. Service upon the Director, Assistant Director, or Superintendent of Registration shall be service on the Department. Such suit shall be commenced within twenty days of the accused person's receipt of notice of the order of refusal, revocation or suspension. The Department shall not be required to certify the record of its proceedings unless the accused person shall first pay to it the sum of five cents per one hundred words of such record. Exhibits shall be certified without cost.

No Department order of suspension or revocation shall be set aside or vacated on any ground not specified in the written motion for rehearing provided in this Act. [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.8; J.A. 91.27.

35.9. ORDER TO BE PRIMA FACIE PROOF.] § 15. An order of revocation or suspension or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director shall be prima facie proof that

1. Such signature is the genuine signature of the Director.
2. That such Director is duly appointed and qualified.
3. That the Committee and the members thereof are qualified to act.

Such proof may be rebutted. Such order of revocation or suspension shall be conclusive proof that all precedent and concurrent acts of Department officers and of the Committee necessary to the validity of such order were pursuant to authority conferred by the Director. [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.9; J.A. 91.29.

35.10. APPEALS TO SUPREME COURT.] § 16. Appeals from all final orders and judgments entered by a circuit or superior court in review of an order of the Department may be taken directly to the Supreme Court by either party to the action within sixty days after service of a copy of the order or judgment of the circuit or superior court, and shall be governed by the rules applying to other civil cases appealed to said Supreme Court, except that formal pleadings shall not be required. [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.10; J.A. 91.30.

35.11. STAY OF OPERATION OF ORDER.] § 17. The pendency of an appeal or writ of certiorari shall not of itself stay or suspend the operation of an order of revocation or suspension; but during the pendency of such suit or appeal, the circuit or superior court or the Supreme Court, as the case may be, in its discretion, may stay the operation of such order in whole or in part upon such terms and conditions as the court may prescribe.

No such stay shall be granted by the court otherwise than upon ten days notice to the Department and after a hearing. [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.11; J.A. 91.31.

35.12. ISSUANCE OF CERTIFICATES TO NURSES REGISTERED IN ANOTHER STATE OR COUNTRY.] § 18. Upon payment of the required fee, an applicant who is a public health nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, may without examination, be granted a certificate of registration as a public health nurse by the Department of Registration and Education, in its discretion, upon the following conditions:

(a) That the applicant is at least 22 years of age; of good moral character and temperate habits; and,

(b) That the requirements for the registration or licensing of public health nurses in the particular state, territory, country or province, were, at the date of the license, substantially equal to the requirements then in force in this State. [Added by act approved July 12, 1937. L. 1937, p. 998.]
S.H.A. 111½ § 35.12; J.A. 91.32.

35.13. FEES.] § 19. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as a certified public health nurse is five dollars (\$5.00).

The fee to be paid upon the renewal of a certificate of registration for public health nurses who do not pay an annual renewal fee as a registered nurse under the "Illinois Nursing Act"¹ is one dollar (\$1.00).

The fee to be paid by an applicant for a certificate of registration who is a certified public health nurse registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, is five dollars (\$5.00).

The fee to be paid for the restoration of an expired certificate of registration as a certified public health nurse is two dollars (\$2.00). [Added by act approved July 12, 1937. L. 1937, p. 998.]
S.H.A. 111½ § 35.13; J.A. 91.33.

35.14. OFFENSES—PENALTIES.] § 20. Each of the following acts constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars (\$25.00), nor more than two hundred dollars (\$200.00);

(a) The practice of public health nursing or an attempt to practice public health nursing as a certified public nurse without a certificate of registration as a certified public health nurse;

(b) The obtaining of, or an attempt to obtain, a certificate of registration, or practice in the profession, or money, or any other thing of value, by fraudulent representation;

(c) The making of any wilfully false oath or affirmation as required by this Act.

(d) Being employed as a public health nurse or performing the duties of a public health nurse for any public authority without being registered as a certified public health nurse.

¹ Chapter 91, §§ 23-35.

All fines and penalties shall inure to the Department of Registration and Education. [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.14; J.A. 91.34.

35.15. TITLE OF ACT.] § 21. This Act may be known and cited as "The Illinois Public Health Nursing Act." [Added by act approved July 12, 1937. L. 1937, p. 998.]

S.H.A. 111½ § 35.15; J.A. 91.35.

PUBLIC HEALTH DISTRICTS

AN ACT to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same. [Filed June 26, 1917. L. 1917, p. 763.]

1. TERRITORY TO BE COMPRISED IN DISTRICTS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any town, or two or more adjacent towns in counties under township organization, or any road district, or two or more road districts in counties not under township organization, or any town or towns in a county under township organization and an adjacent road district or road districts in a county not under township organization, may be organized into a public health district.

S.H.A. 111½ § 1; J.A. 58.20.

2. PETITION OF VOTERS OF SINGLE TOWN OR ROAD DISTRICT FILED WITH CLERK.] § 2. Upon a petition containing the signatures of legal voters in number not less than five per cent of the total vote cast in any town or road district, and filed with the town or road district clerk at least thirty days before the regular town or road district election, the proposition of erecting such town or road district into a public health district shall be submitted to a vote of the people at the next regular town or road district election in the manner provided by this act.

S.H.A. 111½ § 2; J.A. 58.21.

3. PETITION OF VOTERS OF TWO OR MORE ADJACENT TOWN OR ROAD DISTRICTS FILED WITH COUNTY CLERK.] § 3. Upon a petition requesting that two or more adjacent towns or road districts be erected into a health district and containing the signatures of legal voters in number not less than five per cent of the total vote cast in each of two or more adjacent towns or road districts, and filed with the county clerk at least thirty days before the regular town or road district election, the proposition of erecting such towns or road districts, or town and road district into a public health district shall be submitted to a vote of the people of such towns or road districts at the next regular town or road district election in the manner provided by this act.

Where the towns or road districts desiring to be erected into a health district are in two or more counties, the petition shall be filed with the county clerk of the county in which the greater population of the proposed health district is located.

S.H.A. 111½ § 3; J.A. 58.22.

4. TOWN OR ROAD DISTRICT CLERK TO GIVE NOTICE OF ELECTION.] § 4. Upon the filing of such petition with the town or road district clerk, the town or road district clerk shall, when giving notice of the holding of the next regular town or district election, also give notice that a vote will be taken at the regular town or district election for or against the proposition of the erection of the town or road district into a public health district.
S.H.A. 111½ § 4; J.A. 58.23.

5. COUNTY CLERK TO GIVE NOTICE OF ELECTION.] § 5. Upon the filing of such petition with the county clerk, such county clerk shall, at least twenty days prior to the regular town or district election, certify to the town or district clerk of each town or road district, petitions for which are on file in his office requesting that such towns or road districts be erected into a public health district, that the proposition of erecting such towns or road districts (naming them) will be submitted to a vote of the people of the towns or road districts at the regular town or road district election. The town or district clerk shall, when giving notice of the holding of the next regular town or district election, also give notice that a vote will be taken at the town or district election for or against the erection of the towns or road districts (naming them) into a public health district.
S.H.A. 111½ § 5; J.A. 58.24.

6. PROPOSITION TO BE SUBMITTED—MANNER.] § 6. The proposition shall be voted upon in the same manner as a constitutional amendment or other public measure.

When the proposition to be voted upon is to erect a town or road district into a public health district, the proposition may be substantially in the following form:

Shall this (town or road district) be erected into a public health district?	YES	
	NO	

When the proposition to be voted upon is to erect two or more adjacent towns or road districts into a public health district, the proposition may be substantially in the following form:

Shall this (town or road district) unite with the..... (town or road district) of to form a public health district?	YES	
	NO	

S.H.A. 111½ § 6; J.A. 58.25.

7. MAJORITY OF THOSE VOTING TO DETERMINE ISSUE.] § 7. When the proposition voted upon is to erect a single town or road district into a public health district, such proposition shall be carried if a majority of those voting upon the proposition shall vote "yes."

When the proposition voted upon is to erect two or more adjacent towns or road districts into a health district, such proposition shall

be carried if the majority of those voting upon the proposition in each town or road district shall vote "yes."
S.H.A. 111½ § 7; J.A. 58.26.

8. CANVASS OF RETURNS—SINGLE TOWN OR ROAD DISTRICT.] § 8. When the proposition is submitted to the voters of a single town or road district, the ballots shall be counted, the returns canvassed and the result declared as in the case of a regular town or district election.
S.H.A. 111½ § 8; J.A. 58.27.

9. CANVASS OF RETURNS BY COUNTY CLERK.] § 9. When the proposition is submitted to the voters of two or more adjacent towns or road districts, the ballots shall be counted, and the returns made to the county clerk of the county wherein the petition was filed as in the case of returns to the county clerk at a general election. The returns shall be opened and canvassed by the county clerk, with the assistance of two justices of the peace of the county, and the result declared.
S.H.A. 111½ § 9; J.A. 58.28.

10. RESULT OF VOTE TO BE RECORDED.] § 10. The town or district clerk, or the county clerk, as the case may be, shall record the result of the vote upon the proposition and such result may be proved in all courts and in all proceedings by such record or by a certified copy thereof.
S.H.A. 111½ § 10; J.A. 58.29.

11. BOARD OF HEALTH—MEMBERSHIP.] § 11. In counties not under township organization the county commissioners shall be the board of health for each public health district in the county.

Where a public health district, in counties under township organization, consists of a single town, the supervisor, assessor and town clerk of such town shall be the board of health for such public health district.

Where a public health district consists of two or more adjacent towns, the supervisors of such towns, together with the chairman of the county board, shall be the board of health for such public health district.

Where a public health district consists of a town or towns in a county under township organization united with a road district or road districts in a county not under township organization, the supervisor or supervisors of the town or towns, together with the road district clerk or road district clerks, shall be the board of health for such public health district.

A majority of the board shall constitute a quorum for the transaction of business.

S.H.A. 111½ § 11; J.A. 58.30.

12. BOARDS OF HEALTH TO ORGANIZE—WHEN.] § 12. The board of health shall meet in some convenient place in the public health district within two weeks after the declaration of the results of the election, and shall elect from their own number a chairman and a secretary, and, either from their own number or otherwise, a treasurer.

S.H.A. 111½ § 12; J.A. 58.31.

13. NAME FOR PUBLIC HEALTH DISTRICT — WHEN ORGANIZATION COMPLETE.] § 13. The board of health shall, at its first meeting, select a suitable name for the public health district and file the same with the county clerk, or county clerks, of the county or counties in which the district is located, and thenceforth the public health district shall be a body corporate and shall be known by that name. Upon the filing of such name with the county clerk, or county clerks, the public health district shall be deemed to be completely organized.

S.H.A. 111½ § 13; J.A. 58.32.

14. COURTS TO TAKE JUDICIAL NOTICE OF PUBLIC HEALTH DISTRICTS.] § 14. All courts shall take judicial notice of all public health districts organized under this act.

S.H.A. 111½ § 14; J.A. 58.33.

15. POWERS AND DUTIES OF BOARDS OF HEALTH.] § 15. Each board of health shall have power and it shall be its duty:

1. To hold an annual meeting on the second Tuesday in April, of each year, at which meeting officers shall be elected for the ensuing year;

2. To hold meetings quarterly on the second Tuesday of January, April, July and October;

3. To hold special meetings upon a written request signed by two members and filed with the Secretary;

4. To levy, annually, in addition to all other taxes which are now or hereafter may be authorized to be levied on the aggregate valuation of all property within the public health district, a special "public health tax" not to exceed one and one-third mills on the dollar on all taxable property embraced within such public health district, according to the valuation of the same as made for the purpose of State and county taxation to form when collected, a fund to be known as the "public health fund;"

5. To appoint a public health officer from a list of eligibles supplied by the State Department of Public Health;

6. To appoint, upon the advice and approval of the public health officer, such nurses, chemists, experts, clerks and assistants as the public health officer may deem necessary;

7. To fix the compensation of the public health officer, which shall in no case be less than one thousand five hundred dollars;

8. To establish, equip and maintain an analytical biological and research laboratory;

9. To provide, equip and maintain suitable offices, facilities and appliances for the health officer and his assistants;

10. To pay, from the "public health fund," the salary of the public health officer and the salaries of all appointees and employees and the expense of maintenance of the public health department, including therein the expense of administering the sanitation and health laws and ordinances;

11. To acquire and hold, in the name of the public health district, real estate and personal property;

12. To receive contributions of money or property;

13. To publish, annually, on or soon after the second Tuesday in April, in pamphlet form, for free distribution, an annual report showing the condition of their trust on the first day of April of that year, the sums of money received from taxation and from other sources, giving the name of the donor, how all moneys have been expended and for what purpose, and such other statistics and information in regard to the work of the health department as they may deem of general interest. [As amended by act approved July 7, 1927. L. 1927, p. 700.]
S.H.A. 111½ § 15; J.A. 58.34.

16. STATE DEPARTMENT OF PUBLIC HEALTH TO SELECT PUBLIC HEALTH OFFICERS.] § 16. It shall be the duty of the State Department of Public Health to prepare, by open, competitive examination, of which notice shall be given in the "official newspaper," selected by the Department of Public Works and Buildings, for at least three weeks prior to the holding of such examination, a list of eligibles for appointment as public health officers.
S.H.A. 111½ § 16; J.A. 58.35.

17. POWERS AND DUTIES OF PUBLIC HEALTH OFFICERS.] § 17. The public health officer shall have power, and it shall be his duty:

1. To be the executive officer of the board of health;
 2. To enforce and observe the rules and regulations and orders of the State Department of Public Health and all state laws pertaining to the preservation of the health of the people within the public health district;
 3. To exercise the rights, powers and duties of all township boards of health and county boards of health within the public health district;
 4. To execute and enforce, within the public health district, all city, village and incorporated town ordinances relating to nuisances, public health and sanitation;
 5. To investigate the existence of any contagious or infectious disease within the public health district and to adopt measures, with the approval of the State Department of Public Health, to arrest the progress of the same;
 6. To make all necessary sanitary and health investigations and inspections within the public health district;
 7. To establish a free dental clinic for the benefit of the school children of the district;
 8. To give professional advice and information to all city, village, incorporated town and school authorities within the public health district in all matters pertaining to sanitation and public health;
 9. To devote his entire time to his official duties.
- S.H.A. 111½ § 17; J.A. 58.36.

18. ORDINANCES TO BE ADMINISTERED BY PUBLIC HEALTH OFFICERS.] § 18. In all public health districts all ordinances of cities, villages and incorporated towns lying within such public health district

relating to the nuisances, sanitation, and public health, shall be administered by the public health officer appointed pursuant to this act and not otherwise.

S.H.A. 111½ § 18; J.A. 58.37.

19. EACH BOARD OF HEALTH EMPOWERED TO ISSUE TAX WARRANTS.]

§ 19. Each board of health, organized under this act, shall be empowered to issue warrants in anticipation of taxes to the same extent, in the same manner and with like limitations and restrictions as county, city, village and incorporated town authorities.

S.H.A. 111½ § 19; J.A. 58.38.

20. CERTIFICATION AND COLLECTION OF TAXES.] § 20. Each board

of health shall, annually, on or before the first day of August of each year, transmit to the county clerk in which such public health district is located, or if the public health district is located in more than one county, then to the county clerk of each county in which a part thereof is located, a certificate signed by the chairman and treasurer, setting forth the rate or percentage of such taxes by them levied for the purposes herein provided and it shall be, and is hereby made the duty of the county clerk to whom such certificate shall be transmitted, to set down in the general tax warrant of the year for the collection of the state and county taxes, in a separate column to be styled a "public health tax," a tax in amount equal to the sum resulting from the rate or percentage so certified by such board of health upon the real and personal property within such health district, or such part thereof as may be located in his county, according to the valuation of the same as made for the purpose of state and county taxation: and shall set down in each column the amount of tax chargeable to the several persons, corporations, lots or parcels of land, liable for taxes in such public health district according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now or may hereafter be provided by law for the collection of state and county taxes; and the provisions of law in respect to collection of state and county taxes, and proceedings to enforce the same, which are now enforced, or which may be hereafter enacted, so far as applicable, shall apply to such taxes; and as fast as such tax shall be collected by the collector or other officer receiving the same, it shall be paid over to such board of health, on the joint order of the chairman and treasurer of the board of health and shall be receipted for by such treasurer. The funds shall be used only for the purposes herein prescribed and shall be disbursed by the treasurer on the joint order of the chairman and secretary. A failure by the board of health to file the certificate with the county clerk in the required time shall not vitiate the assessment.

S.H.A. 111½ § 20; J.A. 58.39.

AN ACT to legalize the organization of, and the acts and proceedings of, certain public health districts. Approved June 13, 1939. L. 1939, p. 1210, H. B. No. 1020.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

20a. ORGANIZATION OF CERTAIN PUBLIC HEALTH DISTRICTS VALIDATED.] § 1. In all cases where, prior to the passage of this Act, an election has been held in two or more adjacent townships in counties under township organization for the purpose of organizing a public health district in such townships under the provisions of "An Act to authorize the organization of public health districts and for the establishment and maintenance of a health department for the same", filed June 26, 1917, as amended¹ and a majority of the electors in each township voting upon the proposition voted in favor thereof and thereafter a board of health acted as such in such district, each such election is hereby made legal and valid and such district is hereby declared legally and validly organized and established as a public health district, notwithstanding the fact that the returns of such election were canvassed and the result thereof declared and the result of the vote recorded by the town clerk of each township instead of by the county clerk.

S.H.A. 111½ § 20a; J.A. 139.182.

20b. ACTS AND PROCEEDINGS OF PUBLIC HEALTH DISTRICTS VALIDATED.] § 2. All acts and proceedings heretofore done, had or performed by each such district and the members of the board of health thereof, such as are authorized to be done, had or performed by the public health districts organized under said Act are hereby declared to be legal and valid in all respects.

S.H.A. 111½ § 20b; J.A. 139.183.

SANITARIUM AND HOSPITAL LAWS

1. *Cities and Villages—Powers of the City Council.*

Chapter 24—An Act to provide for the incorporation of cities and villages. (Approved April 10, 1872. L. 1871-2, p. 218.)

65.76—Establishment and regulation of hospitals, etc.

2. *Counties—Powers and Duties of Counties and County Boards.*

Chapter 34—An Act to revise the law in relation to counties. (Approved March 31, 1874. R. S. 1874, p. 302.)

23—By whom corporate powers exercised.

24—Powers.

3. *Regulation of Maternity Hospitals—General.*

Chapter 23—An Act for the licensing, inspection and regulation of maternity hospitals, lying-in homes, or other places, public or private, for the confinement of women, and to provide a penalty for the violation thereof. (Approved June 24, 1915. In force July 1. L. 1915, p. 254.) Amended July 14, 1939.

341—License—Revocation—Placing children in foster family homes.

342—Register to be kept—Information required.

343—Investigation of homes.

344—Access to institutions and records (by the State Department of Public Health.)

345—Penalty.

¹ Sections 1-20 of this chapter.

4. *Maternity Hospitals—Municipal.*

Chapter 23—An Act to authorize cities having a population of 500,000 or more to establish, erect and maintain maternity or lying-in hospitals and dispensaries. (Approved July 8, 1935. L. 1935, p. 431.)

176a—City of over 500,000 may establish and maintain maternity hospitals.

5. *Contagious Disease Hospitals—Municipal.*

Chapter 23—An Act to authorize cities having a population of 500,000 or more to establish, erect and maintain hospitals for the segregation or treatment of inhabitants of the city suffering from any contagious or communicable disease. (Approved July 8, 1935. L. 1935, p. 370.)

176g—City of over 500,000 may establish and maintain contagious disease hospital.

6. *Public Hospitals Established by Cities.*

Chapter 23—An Act in relation to the establishment, purchase and maintenance of public hospitals in cities of less than one hundred thousand inhabitants. (Approved June 30, 1919. L. 1919, p. 753.)

165 —Referendum—Tax levy for establishment of hospital or maintenance of existing hospital.

165a—Use of money if hospital not established.

166 —Mayor to appoint board of directors.

167 —Term of office.

168 —Vacancies.

169 —Organization and duties of directors.

170 —Bonds—Ordinance—Submission to voters—Exception in case of Federal aid prior to 1944.

171 —Use of hospital.

172 —Compensation for treatment—Report.

173 —Rules and regulations.

174 —Donations.

175 —Equal privileges to physicians.

176 —Partial invalidity.

Chapter 23—An Act authorizing any city of this State having a population of less than 100,000 inhabitants, which has established and is supporting a public hospital, to reconstruct, improve, make extensions, repair and equip such public hospital, and to prescribe the mode of procedure for and to regulate the issuance and sale of bonds to finance such works, undertakings and projects.

(Approved January 16, 1936. L. 1935-36, First Sp. Sess., p. 30.)

176.1 —Terms defined.

176.2 —Power to construct public work projects, issue bonds, acquire property.

176.5 —Approval of state department, etc.

176.6 —Limitation on bond issue.

176.7 —Power to be in addition and supplemental.

176.8 —Purpose of act.

176.10—Termination of powers granted.

7. *Municipal Tuberculosis Sanitariums.*

Chapter 24—An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums. (Approved March 7, 1908. L. 1907-08, p. 43.)

- 542 —May establish public tuberculosis sanitariums—Tax levy—Abatement of 1939 levy in certain cities and villages.
- 543 —Petition—Election—Tax.
- 544 —Appointment of directors.
- 545 —Appointment of directors.
- 546 —Vacancies—Not to be interested in contracts.
- 547 —Organization—Control of funds, etc.
- 548 —Sanitarium to be free to inhabitants—Regulations—Extension of benefits.
- 549 —Donations—Monthly and annual reports.
- 550 —Rules.
- 551 —Gifts, etc.
- 552 —Equal privilege to physicians.
- 553 —Discontinuance of sanitarium.
- 554 —Submission to voters.
- 555 —Form of ballot.
- 556 —If ratified, debts to be paid and surplus moneys transferred.
- 557 —Tax levy to maintain sanitarium.
- 557a—Increased tax in certain cities.
- 558 —Board to determine necessity of increased tax levy.
- 559 —Tax levy.
- 560 —To be submitted to voters.
- 561 —Form of ballot
- 561a—Proceedings levying taxes for sanitariums validated.

8. *Hospital Service Corporations.*

Chapter 32—An Act to provide for the incorporation and regulation of non-profit Hospital Service Corporations. (Approved July 6, 1935. L. 1935, p. 621.)

- 551—Title of act.
- 552—Secretary of State to issue certificates of incorporation.
- 553—Corporations to furnish service to subscribers under act and exempt from insurance code.
- 554—Not for profit corporation act to apply—Directors—Approval of articles of incorporation.
- 555—Contracts to furnish hospital service to subscribers—Rates for hospital service. Payments to hospitals.
- 556—Annual statement.
- 557—Visitation and examination of corporation.
- 558—Cost of soliciting subscribers.
- 559—Investment of funds.
- 560—Disputes between corporation and hospital. Review of decisions.
- 561—Dissolution or liquidation.
- 562—Exemption from taxation.

TUBERCULOSIS SANITARIUM DISTRICTS, I.

AN ACT to provide for the creation and management of tuberculosis sanitarium districts. [Approved May 21, 1937. L. 1937, p. 470.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

177a. ORGANIZATION OF TUBERCULOSIS SANITARIUM DISTRICTS—PETITION—ELECTION.] § 1. Any area of contiguous territory lying wholly within one county but entirely outside the corporate limits of

any city or village which has adopted "An Act to enable cities and villages to establish and maintain public tuberculosis sanitariums," approved March 7, 1908, as amended,¹ may be incorporated as a tuberculosis sanitarium district in the following manner, to wit:

Any one hundred legal voters residing within the limits of such proposed district may petition a county judge of the county in which such proposed district lies, to cause the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a tuberculosis sanitarium district under this Act. Such petition shall be addressed to the county judge of the county in which such proposed tuberculosis sanitarium district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the county court of the county in which such territory is situated, it shall be the duty of such county judge, to whom such petition is assigned, to fix a day and hour for the public consideration thereof, which shall not be less than fifteen days after the filing of such petition. Such county judge shall cause a notice of the time and place of such public consideration to be published three successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than five days prior to the time set for such public hearing. At the time and place fixed for such public hearing said county judge shall sit and hear any person owning property in such proposed district who desires to be heard, and if said county judge shall find that all of the provisions of this Act have been complied with, he shall cause to be entered upon the records of the county court of such county, an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a tuberculosis sanitarium district or districts in the same county shall be filed under this Act before the time fixed for the public hearing of the first petition, said county judge shall postpone the public consideration of the first petition so that the hearing of all said petitions shall be set for the same day and hour.

Should two or more petitions be filed under this Act and come on for hearing at the same time and it shall be found by said county judge that any of the territory embraced in any one of said petitions is included in or contiguous with the territory embraced in any other petition or petitions, said county judge may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for said district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of said county judge to order to be submitted to the legal voters of such proposed district at any special or general election held therein, the question of the organization of such proposed district, and he shall give notice thereof by causing ten notices of such election to be posted in public places within such proposed district, and one notice thereof to be published at least five days prior to the date of such submission in

some newspaper having a general circulation in the proposed district. Said notices shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. S.H.A. 23 § 177a; J.A. 33.185(1).

177b. BALLOT—RESULT OF ELECTION.] § 2. The ballots to be used at such election shall be substantially in the following form:

"Shall there be organized a tuberculosis sanitarium district in accordance with the order of the judge of the county court of county, under the date of the day of 19.. to be known as (insert here the name of the proposed district as entered in the order of the judge of the county court) and described as follows: (Insert description of proposed district as entered in the order of the judge of the county court)"	YES
	NO

The returns of such election in each of the proposed districts shall be made to the clerk of the county court of such county and shall be canvassed by him and he shall cause a statement of the result of such election in each district to be entered upon the records of the county court of such county, and if a majority of the votes cast in any district upon such question is found to be in favor of the organization of such tuberculosis sanitarium district, such tuberculosis sanitarium district shall thenceforth be deemed an organized tuberculosis sanitarium district under this Act. S.H.A. 23 § 177b; J.A. 33.185(2).

177c. BOARD OF DIRECTORS—DISTRICT TO BE BODY CORPORATE.] § 3. All courts shall take judicial notice of all tuberculosis sanitarium districts organized under this Act. The affairs of such district shall be managed by a board of three directors, appointed by the county judge of the county in which such district is situated. At least one member of the board of directors shall be a licensed physician, and all shall be chosen with reference to their special fitness for such office. The first appointments shall be made within ninety days and not sooner than sixty days after such district has been organized as provided herein. Each member of such board shall be a legal voter in such district. At the time of the making of the first appointments, one director shall be appointed for a term of one year, one for a term of two years, and one for a term of three years and until their successors are appointed and qualified and at the expiration of the term of any member, his successor shall be appointed in like manner for a term of three years and until his successor is appointed and qualified; provided, that no more than two members of such board shall be of the same political party. Each member of the board before entering upon the duties of his office shall take the oath prescribed by the Constitution.

¹ Chapter 24, §§ 542-561.

From the time of the appointment of the first board of directors, such district shall be a body corporate and politic by the name and style determined as aforesaid, and by such name may sue and be sued, contract and be contracted with, acquire and hold real and personal estate necessary for the corporate purposes and adopt a seal and alter the same at its pleasure.
S.H.A. 23 § 177c; J.A. 33.185(3).

177d. VACANCIES.] § 4. Whenever any member of the board of directors shall, from any cause, cease to be a legal voter of the district, his office shall thereupon become vacant, and a successor shall be appointed for the remainder of the term as other members of the board of directors are appointed.
S.H.A. 23 § 177d; J.A. 33.185(4).

177e. PRESIDENT, SECRETARY OF BOARD — ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS SANITARIUM.] § 5. The directors shall, immediately after appointment, meet and organize, by the election of one of their number as president and one as secretary. Said board shall have power to establish and maintain a tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of the tuberculosis sanitarium district, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis. The board shall have power to acquire lands and grounds within such district for the aforesaid purposes by gift, grant, devise, purchase, lease or condemnation, and to occupy, purchase, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith; provided, that no such building shall be constructed until detailed plans therefor have been submitted to and approved by the Department of Public Health.
S.H.A. 23 § 177e; J.A. 33.185(5).

177f. POWERS OF BOARD — EMPLOYEES — SALARIES.] § 6. The board of directors shall be the corporate authority of such tuberculosis sanitarium district and shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. Such board shall have power to appoint a secretary and treasurer and such other officers and such employees as may be necessary, including suitable superintendents or matrons, or both. Members of the board of directors shall receive no salary for their services. Salaries of the officers and employees shall be fixed by ordinance.
S.H.A. 23 § 177f; J.A. 33.185(6).

177g. FREE SERVICE TO RESIDENTS OF DISTRICT — CONSENT OF AFFLICTED PERSON — HOME TREATMENT — OUT-OF-DISTRICT PATIENTS — TREATMENT IN OTHER INSTITUTIONS.] § 7. Every sanitarium established under this Act shall be free for the benefit of such of the inhabitants of such district as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and atten-

dance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reasonable rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of directors may exclude from the use of such sanitarium any and all persons who shall wilfully violate such rules or regulations: Provided, however, that no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his consent in writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of directors shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such district. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such district, in this State, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribe.

Boards of directors in districts without public tuberculosis sanitarium facilities may use funds secured under the provisions of this Act in providing sanitarium care of tuberculosis patients in private or public sanitariums or hospitals of the State.
S.H.A. 23 § 177g; J.A. 33.185(7).

177h. DONATIONS—ANNUAL REPORT.] § 8. Said board of directors, in the name of the district, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such district all moneys thus received, as often as once in each month, and shall take the receipt of such treasurer therefor; and shall also at each regular meeting of the county board, report to such county board the names of all persons from whom any such contribution or donation has been received, since the date of the last report, and the amount and nature of the property so received from each, and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the county board, stating the condition of their trust on the first day of June of that year, the various sums of money received from all sources, and how such moneys have been expended and for what purpose, the number of patients, and such other statistics, information and suggestions as they may deem of general interest.
S.H.A. 23 § 177h; J.A. —.

177i. USE OF DONATION.] § 9. Any person desiring to make any donation, bequest or devise, of any money, personal property, or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property or real estate so donated, in the board of directors created under this Act, to be held and controlled by such board of directors, when accepted, according to the terms of the deed, gift, devise, or bequest of such property, and as to such property, the said board of directors shall be held and considered to be special trustees.

S.H.A. 23 § 177i; J.A. —.

177j. RULES AND REGULATIONS.] § 10. When any such sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of directors may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such district, and to all employees in the same, and to all employees sent, as herein provided for, to the homes of the afflicted.

S.H.A. 23 § 177j; J.A. —.

177k. PHYSICIANS TO HAVE EQUAL PRIVILEGES.] § 11. All reputable physicians shall have equal privileges in treating patients in any tuberculosis sanitarium district.

S.H.A. 23 § 177k; J.A. —.

177l. ORDINANCES, ORDERS AND RESOLUTIONS.] § 12. All ordinances making any appropriation of moneys, shall within ten days after their passage, be published at least once in some newspaper published in such district or having a general circulation therein to be designated by the board of directors and no such ordinance shall take effect until ten days after it is so published. All other ordinances and all orders or resolutions shall take effect from and after their passage unless otherwise provided therein. All ordinances, orders and resolutions and the date of publication thereof may be proven by the certificate of the secretary of such district under the seal of the corporation and when printed in book or pamphlet form and published by authority of such board of directors, such book or pamphlet shall be received as evidence of the passage and publication of such ordinances, orders and resolutions as of the date mentioned in such book or pamphlet in all courts and places without further proof.

S.H.A. 23 § 177l; J.A. —.

177m. DUTIES OF PRESIDENT—VOTING ON ORDINANCES AND EXPENDITURES.] § 13. The president of the board of directors of any district organized hereunder, shall preside at all meetings of the board and be the executive officer of such district; he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by such district and perform such other duties as may be prescribed by ordinance. The president shall be entitled to the same right to vote as the other directors possess.

The "Yeas" and "Nays" shall be taken upon the passage of all ordinances and all proposals to create any liability or for the expenditures or appropriation of money and in all other cases at the request of any member of the board and shall be entered on the journal of the board's proceedings, and the concurrence of a majority of all the members appointed to the board shall be necessary to the passage of any such ordinance or provision.

S.H.A. 23 § 177m; J. A. —.

177n. GENERAL TAXATION—ISSUANCE OF BONDS.] § 14. The board of directors of any tuberculosis sanitarium district organized hereunder shall have power to raise money by general taxation, for any of the purposes enumerated in this Act, and power to borrow money upon the faith and credit of such district, and to issue bonds therefor: Provided, however, such district shall not become indebted in any manner or for any purpose, to any amount including existing indebtedness in the aggregate exceeding one per centum of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. No such district shall incur indebtedness for any purpose other than the acquisition of land unless the proposition to issue bonds or otherwise incur such indebtedness shall have been first submitted to the legal voters of such district at a general election or at any special election called for such purpose and shall have been approved by a majority of those voting upon the proposition. Before or at the time of issuing bonds, the board of directors shall provide by ordinance for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due, and to pay such bonds as they mature and said tax to so pay the interest on said bonds as it falls due and to pay said bonds as they mature, shall not be permitted to increase the taxing power of said district as herein provided for. All bonds issued by any tuberculosis sanitarium district shall be divided into series, the first of which shall mature not later than five years after the date of issue and the last of which shall mature not later than twenty years after the date of issue.

All general taxes levied by the board of directors of any tuberculosis sanitarium district shall be levied at the same time and in the same manner as taxes are levied for city and village purposes; provided, that the amount of taxes levied for one year shall not exceed the rate of one and one-half ($1\frac{1}{2}$) mill on each dollar of the assessed value of the taxable property therein, as ascertained by the last equalized assessment for State and county purposes. All moneys collected under the provisions of this Act shall be paid to the treasurer of such district.

S.H.A. 23 § 177n; J.A. —.

COUNTY TUBERCULOSIS SANITARIUMS

AN ACT relating to the care and treatment by counties of persons afflicted with tuberculosis and providing the means therefor. Approved June 28, 1915. L. 1915, p. 346. Title as amended by act approved March 17, 1939. L. 1939, p. 490, H. B. No. 188.

Prior amendment: L. 1923, p. 301.

164. COUNTY BOARD MAY ESTABLISH TUBERCULOSIS SANITARIUM—TAX.] § 1. The county board of each county of this State shall have the power, in the manner hereinafter provided, to establish and maintain a county tuberculosis sanitarium, and branches, dispensaries, and other auxiliary institutions connected with the same, within the limits of such county, for the use and benefit of the inhabitants thereof, for the treatment and care of persons afflicted with tuberculosis, and shall have the power to levy a tax, subject to such further limitation as may be occasioned by the issuance of bonds as hereinafter provided, not to exceed one and one-half ($1\frac{1}{2}$) mills on the dollar, annually on all taxable property of such county, such tax to be levied and collected in like manner with the general taxes of such county, and to form, when collected, a fund to be known as the "Tuberculosis Sanitarium Fund," which said tax shall be in addition to all other taxes which such county is now, or hereafter may be, authorized to levy on the aggregate valuation of all property within such county, and the county clerk, in reducing tax levies under the provisions of section 2 of "An Act concerning the levy and extension of taxes," approved May 9, 1901, as amended,¹ shall not consider the tax for said tuberculosis sanitarium fund, authorized by this Act, as a part of the general tax levy for county purposes, and shall not include the same in the limitation of one (1) per cent of the assessed valuation upon which taxes are required to be extended; provided, that in order to secure greater working efficiency any county maintaining a tuberculosis sanitarium may convey the property acquired for such purpose, or any part thereof, or any interest therein, to any other county or counties adjacent thereto upon such terms and conditions as the respective county boards thereof shall agree on by a majority vote of all the members of each of said county boards. As amended by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18. S.H.A. 34 § 164; J.A. 33.173.

Prior amendment: L. 1929, p. 304; L. 1927, p. 377.

165. PETITION—SUBMISSION TO VOTE—JOINT CONSTRUCTION BY TWO OR MORE COUNTIES.] § 2. When one hundred legal voters of any county shall present a petition, to the County Board of such county asking that an annual tax may be levied for the establishment and maintenance of a county tuberculosis sanitarium in such county, such County Board shall instruct the County Clerk to, and the County Clerk shall, in the next legal notice of a regular general election in such county, give notice that at such election every elector may vote "For the levy of a tax for a county tuberculosis sanitarium," or "Against the levy of a tax for a county tuberculosis sanitarium," and

¹ Chapter 120, § 330.

provision shall be made for voting on such proposition, in accordance with such notice, and if a majority of all the votes cast upon the proposition shall be for the levy of a tax for a county tuberculosis sanitarium the County Board of such county shall thereafter annually levy a tax of not to exceed one and one-half ($1\frac{1}{2}$) mills on the dollar, which tax shall be collected in like manner with other general taxes in such county and shall be known as the "Tuberculosis Sanitarium Fund," and thereafter the County Board of such county shall, in the annual appropriation bill, appropriate from such fund such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such county tuberculosis sanitarium.

If a county has adopted a proposition for the levy of a tax of not to exceed one mill on the dollar for a county tuberculosis sanitarium such tax may be increased to not to exceed one and one-half ($1\frac{1}{2}$) mills on the dollar by submitting the proposition to increase such tax to the voters of such county at any general election in the county or any general election in all the townships in such county.

The county boards of any two or more adjoining counties each having a population of less than 500,000 inhabitants may hereafter by agreement provide for the joint construction, maintenance and control of a tuberculosis sanitarium. Such agreement shall specify the site of the proposed sanitarium and the proportionate share of the cost of construction and the cost of maintenance which shall be borne by each of such counties. The proposition for such joint construction, maintenance and control shall be submitted to the voters of each such county at the next succeeding general election in such county or at a special election called for such purpose and shall state the proposed site of such sanitarium and the proportionate share of the cost of construction and maintenance to be borne by the respective counties concerned. If such proposition is approved by a majority of the voters in each of such counties voting upon the proposition, the county board of each such county shall appoint three directors. The qualifications, terms of office and removal of said directors appointed in each such county shall be as provided in Sections 3 and 4 of this Act¹ and vacancies shall be filled in the manner provided in Section 5 hereof.² The directors so appointed by the several counties shall constitute a joint board of directors for the control and management of the tuberculosis sanitarium. Said joint board of directors shall exercise the powers and be subject to the duties prescribed in this Act³ for boards of directors of tuberculosis sanitarium. The county board of each of said counties shall annually levy the tax herein provided, and may issue bonds as provided in this amendatory Act, for the purpose of defraying its proportionate share of the cost of construction and maintenance of the tuberculosis sanitarium.

If any county shall issue bonds as hereinafter provided, then so long as taxes are required to be levied and extended to pay the principal of and interest on such bonds, the rate extended in any year for the benefit of the tuberculosis sanitarium fund shall be limited to the

¹ Sections 166 and 167 of this chapter.

² Section 168 of this chapter.

³ Sections 164-175a of this chapter.

amount by which one and one-half mills on the dollar exceeds the rate extended in such year to pay such principal of and interest on such bonds. As amended by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.

S.H.A. 34 § 165; J.A. 33.174.

Prior amendment: L. 1929, p. 304; L. 1927, p. 377.

This statute permitting county tax for tuberculosis sanitarium, construed most strongly against taxing authorities and in favor of taxpayer, held not rendered invalid because it provided for tax to begin in next succeeding fiscal year. *P. ex rel. Hines v. Baltimore & O. S. W. R. Co.*, 366—318, 8 N. E. 2d 655.

166. BOARD OF DIRECTORS—HOW APPOINTED.] § 3. When in any county such a proposition, for the levy of a tax for a county tuberculosis sanitarium has been adopted as aforesaid, the chairman or president, as the case may be, of the county board of such county, shall, with the approval of the county board, proceed to appoint a board of three directors, one at least of whom shall be a licensed physician, and all of whom shall be chosen with reference to their special fitness for such office.

S.H.A. 34 § 166; J.A. 33.175.

167. TERM OF OFFICE—REMOVAL.] § 4. One of said directors shall hold office for one year, another for two years, and another for three years, from the first day of July following their appointment, but each until his successor is appointed, and at their first regular meeting they shall cast lots for the respective terms; and annually thereafter the chairman or president, as the case may be, of the county board, shall, before the first day of July of each year, appoint as before one director, to take the place of the retiring director, who shall hold office for three years and until his successor is appointed. The chairman or president, as the case may be, of the county board may, by and with the consent of the county board, remove any director for misconduct or neglect of duty.

S.H.A. 34 § 167; J.A. 33.176.

168. VACANCIES—COMPENSATION.] § 5. Vacancies in the board of directors, occasioned by removal, resignation, or otherwise, shall be reported to the county board, and be filled in like manner as original appointments; and no director shall receive compensation as such, or be interested, either directly or indirectly, in the purchase or sale of any supplies for said sanitarium.

S.H.A. 34 § 168; J.A. 33.177.

169. ORGANIZATION—BY-LAWS AND RULES—CONTROL OF FUNDS—POWERS.] § 6. Said directors shall, immediately after appointment, meet and organize, by the election of one of their number as president and one as secretary, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations, for their own guidance and for the government of the sanitarium and the branches, dispensaries, and auxiliary institutions and activities connected therewith, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the tubercu-

losis sanitarium fund, and of the construction of any sanitarium building, or other buildings necessary for its branches, dispensaries, or other auxiliary institutions or activities in connection with said institution, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: Provided, that all moneys received for such sanitarium with the exception of moneys the title to which rests in the board of directors in accordance with section 9 *infra*, shall be deposited in the treasury of said county to the credit of the tuberculosis sanitarium fund and shall not be used for any other purpose, and shall be drawn upon by the proper officers of said county upon the properly authenticated vouchers of said board of directors. Said board of directors shall have the power to purchase or lease ground within the limits of such county, and to occupy, lease or erect an appropriate building or buildings for the use of said sanitarium, branches, dispensaries and other auxiliary institutions and activities connected therewith, by and with the approval of the county board: Provided, however, that no such building shall be constructed until detailed plans therefor shall have been submitted to the secretary of the State Board of Health, and shall have been approved by him: And, provided, further, that no building in which tuberculosis patients are to be housed shall be built on the grounds of a county poor farm, but shall have separate and distinct grounds of its own. Said board of directors shall have the power to appoint suitable superintendents or matrons, or both, and all necessary assistants, and to fix their compensation, and shall also have the power to remove such appointees, and shall in general carry out the spirit and intent of this act in establishing and maintaining a county tuberculosis sanitarium: Provided: that no sanitarium or branch, or dispensary, or auxiliary institution, or activity, under this act, for tuberculosis patients shall be under the same management as a county poor farm, or infirmary, but shall, on the contrary, be under a management separate and distinct in every particular. One or more of said directors shall visit and examine said sanitarium, and all branches, dispensaries, auxiliary institutions, and activities at least twice in each month, and shall make monthly reports of the condition thereof to the county board.

S.H.A. 34 § 169; J.A. 33.178.

170. SANITARIUM TO BE FREE—REGULATIONS.] § 7. Every sanitarium established under this act shall be free for the benefit of such of the inhabitants of such county as may be afflicted with tuberculosis, and they shall be entitled to occupancy, nursing, care, medicines and attendance, according to the rules and regulations prescribed by said board of directors. Such sanitarium shall always be subject to such reasonable rules and regulations as said board of directors may adopt in order to render the use of said sanitarium of the greatest benefit to the greatest number, and said board of directors may exclude from the use of such sanitarium any and all persons who shall willfully violate such rules or regulations: Provided, however, that no person so afflicted shall be compelled to enter such sanitarium, or any of its branches, dispensaries, or other auxiliary institutions without his

consent in writing first having been obtained, or, in case of a minor or one under a disability, the consent in writing of the parent or the parents, guardian or conservator, as the case may be. Said board of directors shall, upon request or by consent of the person afflicted, or of the parent or parents, guardian or conservator thereof, have the power to extend the benefits and privileges of such institution, under proper rules and regulations, into the homes of persons afflicted with tuberculosis, and to furnish nurses, instruction, medicines, attendance, and all other aid necessary to effect a cure, and to do all things in and about the treatment and care of persons so afflicted, which will have a tendency to effect a cure of the person or persons afflicted therewith and to stamp out tuberculosis in such county. And said board of directors may extend the privileges and use of such sanitarium and treatment to persons so afflicted, residing outside of such county, in this state, upon such terms and conditions as said board of directors may from time to time by its rules and regulations prescribed.

Boards of directors in counties without public tuberculosis sanitarium facilities may use funds secured under the provisions of this Act in providing sanitarium care of tuberculosis patients in private or public sanitariums of the State. As amended by act approved March 17, 1939. L. 1939, p. 490, H. B. No. 188. S.H.A. 34 § 170; J.A. 33.179.

Section 3 of the amendatory Act of 1939 is the emergency section.

171. CONTRIBUTIONS—ANNUAL REPORTS TO COUNTY BOARD.] § 8. Said board of directors, in the name of the county, may receive from any person any contribution or donation of money or property, and shall pay over to the treasurer of such county all moneys thus received, as often as once in each month, and shall take the receipt of such treasurer therefore; and shall also at each regular meeting of the county board, report to such county board the names of all persons from whom any such contribution or donation has been received, since the date of the last report, and the amount and nature of the property so received from each, and the date when the same was received. And said board of directors shall make, on or before the second Monday in June of each year, an annual report to the county board, stating the condition of their trust on the first day of June of that year, the various sums of money received from the tuberculosis sanitarium fund and from other sources, and how such moneys have been expended and for what purpose, the number of patients, and such other statistics, information and suggestions as they may deem of general interest. S.H.A. 34 § 171; J.A. 33.180.

172. BOARD SPECIAL TRUSTEES OF DONATIONS, BEQUESTS, ETC.] § 9. Any person desiring to make any donations, bequest or devise, of any money, personal property, or real estate, for the benefit of such sanitarium, shall have the right to vest the title to the money, personal property or real estate so donated, in the board of directors created under this act, to be held and controlled by such board of directors, when accepted, according to the terms of the deed, gift,

devise, or bequest of such property, and as to such property, the said board of directors shall be held and considered to be special trustees. S.H.A. 34 § 172; J.A. 33.181.

173. PHYSICIANS, NURSES, ETC., SUBJECT TO RULES OF THE BOARD.] § 10. When any such sanitarium is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of the same or grounds thereof, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board of directors may prescribe; and such rules and regulations shall extend to all branches, dispensaries, and other auxiliary institutions located within such county, and to all employees in the same, and to all employees sent, as herein provided for, to the homes of the afflicted. S.H.A. 34 § 173; J.A. 33.182.

174. EQUAL PRIVILEGES FOR ALL REPUTABLE PHYSICIANS.] § 11. All reputable physicians shall have equal privileges in treating patients in any county tuberculosis sanitarium. S.H.A. 34 § 174; J.A. 33.183.

175. ACT NOT TO BE CONSTRUED TO AMEND OR REPEAL PART OF FORMER ACT.] § 12. Nothing contained in this act shall be construed to amend or repeal paragraph ninth of section 25 of an act entitled, "An act to amend sections 24 and 25 of an act entitled, 'An act to revise the law in relation to counties,' approved and in force March 31, 1874," approved April 26, 1909, in force July 1, 1909, but said paragraph ninth shall, on the contrary remain in full force and effect. S.H.A. 34 § 175; J.A. 33.184.

175a. DISCONTINUANCE OF TAX.] § 13. Any county which has adopted the provisions of this Act may discontinue it by a referendum initiated by a petition in the same manner provided in section 2 for its adoption. The proposition shall be stated "For the discontinuance of the tax for the county tuberculosis sanitarium" and "against the discontinuance of the tax for the county tuberculosis sanitarium." If three-fifths of the votes cast upon the proposition are for the discontinuance, the board of directors shall proceed at once to close up the affairs of the county tuberculosis sanitarium. After the payment of all obligations the moneys in the tuberculosis sanitarium fund shall become a part of the general funds in the county treasury and the county board shall take over all property and equipment in the custody and under the control of the board of directors. The county board may sell such property or make such other disposition as is for the best interests of the county.

The terms of the board of directors shall terminate when their duties in connection with closing up the affairs of the tuberculosis sanitarium have ended. [Added by act approved June 21, 1923. L. 1923, p. 301.] S.H.A. 34 § 175a; J.A. 33.185.

175b. ISSUANCE OF BONDS.] § 14. Any county having a population of less than five hundred thousand inhabitants which has voted or hereafter votes to authorize a tax for tuberculosis sanitarium purposes

at a rate in addition to the maximum rate now or hereafter authorized to be levied and extended for general county purposes is authorized to issue bonds as in this Act provided in an amount not to exceed one-half of one per cent on the dollar valuation of all taxable property of such county for the purpose of constructing or improving a county tuberculosis sanitarium within the county: Provided such bonds may not be issued to an amount, including existing indebtedness, in excess of the constitutional limit of indebtedness. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.] S.H.A. 34 § 175b; J.A. 33.185(a).

175c. PLANS—ESTIMATE OF COST—RESOLUTION BY COUNTY BOARD.] § 15. Before any such county shall be authorized to issue bonds as in this Act provided:

(a) The Board of Directors of said tuberculosis sanitarium shall adopt plans and specifications describing the sanitarium to be constructed or improved, the type of construction of or improvement to be made on such sanitarium and shall make an estimate of the cost of such construction or improvement, and shall procure approval of such plans and specifications and estimate of cost by the State Department of Public Health; and

(b) The Board of Directors of said tuberculosis sanitarium shall transmit such plans and specifications and estimate of cost, together with the approval thereof by the State Department of Public Health, to the County Board with a request that the County Board adopt a resolution providing for the construction or improvement of such tuberculosis sanitarium and for the issuance of bonds to pay all or a part of the cost thereof. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.] S.H.A. 34 § 175c; J.A. 33.185(b).

175d. WHEN MATURITY OF BONDS IS LATER THAN TAX IS AUTHORIZED.—PETITION FOR REFERENDUM.] § 16. Before any such county shall be authorized to issue bonds, as in this Act provided, having a maturity later than January first of the second calendar year following the period of years for which such additional tax for tuberculosis sanitarium purposes was voted (which January first of such year is hereafter referred to as the "maturity limitation heretofore mentioned"):

(a) The County Board shall adopt a resolution of determination to construct or improve a tuberculosis sanitarium and declare its intention to issue bonds therefor. Said resolution shall set forth the amount of bonds proposed to be issued and provide that notice of intention to issue such bonds be published at least once in a newspaper published and having a general circulation in such county if there be one, or, if there be no such newspaper, then such notice shall be posted in at least three public places in such county. The notice of intention to issue bonds as herein provided shall state the purpose for which bonds are to be issued, the date upon which the resolution of intention was adopted by the County Board, the amount of bonds to

be issued and the time within which a petition may be filed requesting submission to the legal voters of such county of the proposition to issue the bonds.

(b) If, within thirty days after publication or posting of such notice, a petition is filed with the County Clerk signed by not less than three per cent of the legal voters of such county requesting that the proposition to issue said bonds as authorized by this Act be submitted to the legal voters of such county, then such county shall not be authorized to issue said bonds until the proposition has been submitted to and approved by a majority of the legal voters voting on the proposition at a regular or special election called and held for that purpose by the County Board. The number of legal voters shall be determined from the total votes cast at the last preceding election held in said county for the election of county officers.

If no petition for referendum with the requisite number of signatures is filed within the time herein provided, it shall not be necessary for the County Board to submit to the legal voters of such county the question of issuing such bonds. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.]
S.H.A. 34 § 175d; J.A. 33.185(c).

175e. WHEN REFERENDUM UNNECESSARY.] § 17. It shall not be necessary for the County Board to submit to the legal voters of such county the question of issuing such bonds where the final maturity thereof is not beyond the maturity limitation heretofore mentioned in Section 16 of this Act,¹ and said County Board shall be authorized to issue such bonds without complying with the provisions of Section 16 of this Act¹ by adopting a resolution as provided by Section 19 of this Act.² [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.]
S.H.A. 34 § 175e; J.A. 33.185(d).

175f. SUBMISSION OF PROPOSITION TO ISSUE BONDS—BALLOT.] § 18. If, in the case of bonds the final maturity date of which is beyond said maturity limitation heretofore mentioned in Section 16,³ a petition for referendum with the requisite number of signatures is filed within the time as herein provided, then the County Board shall call a special election or direct that such proposition be submitted at the next regular election to be held in the county. When a special election is called the County Board shall fix the date thereof and shall direct the County Clerk to cause notice of such election to be posted in at least three public places in each voting precinct in the county at least fifteen days prior to the date of such election. Such special election shall be conducted by the duly appointed Judges and Clerks of election and shall be held at the polling places theretofore established insofar as the same may be practicable, otherwise new polling places shall be designated. If the proposition is to be submitted at a regular election, then the notice of such election shall state the bond proposition to be submitted to the voters.

¹ Section 175d of this chapter.

² Section 175g of this chapter.

³ Section 175d of this chapter.

The ballot for the submission of said proposition shall be in substantially the following form:

OFFICIAL BALLOT

Instruction to voters:

(Place a cross (x) in the space opposite the word indicating the way you desire to vote.)

Shall _____ county, Illinois, issue bonds in the amount of \$ _____ for the purpose of constructing or improving a tuberculosis sanitarium of said county heretofore designed and approved by the board of directors of the tuberculosis sanitarium, as authorized by "An Act relating to county tuberculosis sanitarium," approved June 28, 1915, as amended?	YES	
	NO	

[Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.]
S.H.A. 24 § 175f; J.A. 33.185(e).

175g. AMOUNT, MATURITY DATE, FORM OF BONDS—TAX.] § 19. Before issuing any bonds as provided in this Act, the County Board shall adopt a resolution specifying the amount of bonds to be issued, the date, denominations, rate of interest and maturities, and fix all the details with respect to the issue and execution thereof, and shall levy a tax sufficient to pay both the principal of and interest upon such bonds as they mature. Such bonds issued in compliance with the provisions of Section 16 hereof,¹ shall mature at such time or times as the County Board shall fix, but not to exceed twenty years from date thereof. Any such bonds, the final maturity of which is within such maturity limitation heretofore mentioned in said Section 16,¹ shall mature at such times as the County Board shall fix within said maturity limitation heretofore mentioned. All of such bonds shall bear interest at not more than six per cent per annum, payable semi-annually, and shall be payable at such place as the County Board shall fix. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.]
S.H.A. 34 § 175g; J.A. 33.185(f).

175h. SIGNATURES ON BONDS.] § 20. In case any officer whose signature appears on the bonds shall cease to be such officer before delivery of such bonds, such signature shall nevertheless be valid or sufficient for all purposes the same as if such officer had remained in office until such delivery was effected. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.]
S.H.A. 34 § 175h; J.A. 33.185(g).

175i ANNUAL TAX TO PAY BONDS.] § 21. After the resolution providing for the issuance of the bonds has been adopted, it shall be the duty of the County Clerk annually to extend taxes against all the

taxable property situated in said County sufficient to pay the principal of and interest on such bonds as they mature. The rate at which such taxes shall be extended shall be in addition to the maximum rate now or hereafter authorized to be levied and extended for General County Purposes, and shall be in addition to the rates extended for any and all taxes now or hereafter authorized or permitted to be levied or extended for county purposes in excess of the maximum rate for general county purposes now or hereafter permitted by law; such tax shall not be subject to any limitation as to amount or rate except the constitutional limitation of 75c per \$100.00 valuation. [Added by act approved July 1, 1938. L. 1938, First Sp. Sess., p. 18.] S.H.A. 34 § 175i; J.A. 33.185(h).

AN ACT validating elections in relation to county tuberculosis sanitarium. [Approved May 4, 1939 L. 1939, p. 489, H. B. No. 503.]

175j. VALIDATION OF CERTAIN TAX-LEVY ELECTIONS CONCERNING TUBERCULOSIS SANITARIUMS.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* In all cases where, heretofore, at any election held in any county in this State, a majority of the voters voting on a proposition to levy an annual tax for establishing and maintaining a county tuberculosis sanitarium, not to exceed one and one-half mills on the dollar assessed valuation in excess of the statutory limit of 25 cents per \$100.00 valuation, for a specified year or years, or term or period of years, have voted in favor thereof, all such elections and proceedings shall be, and the same are hereby made and declared legal and valid and are hereby made and declared to be:

(a) Sufficient to authorize and empower the county board of any such county to levy a tax in addition to the maximum rate now or hereafter authorized to be levied and extended for general county purposes, not to exceed the rate specified in such proposition and for the year or years or period or term of years specified in such proposition, for the establishment and maintenance of a county tuberculosis sanitarium in said county, and

(b) Sufficient to authorize the issuance of bonds as provided by "An Act relating to county tuberculosis sanitarium," approved June 28, 1915, as amended.¹ S.H.A. 34 § 175j; J.A. 139.279.

Section 2 of the Act of 1939 is the emergency section.

AN ACT concerning the levy of County taxes to defray expenses of providing sanitarium facilities for tuberculosis patients. [Filed July 29, 1939. L. 1939, p. 491, H. B. N. 558.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

175k. COUNTY TAXES TO PROVIDE SANITARIUM FACILITIES FOR TUBERCULOSIS PATIENTS.] § 1. In all cases where any County shall have sought or shall hereafter seek to ascertain the will of the voters on the proposition to levy a tax not to exceed one and one-half mills on the dollar of the assessed valuation of the County, said tax to be levied for

¹ Sections 164 et seq. of this chapter.

a specified number of years, and the proceeds thereof to be used for the establishment and maintenance of a County Tuberculosis Sanitarium or for the purpose of defraying all necessary expenses of providing sanitarium care in the State of Illinois of tuberculosis patients of the County, or for either, and a majority of the voters expressing their choice favor the same, then each such County is hereby authorized to levy such tax in an amount not to exceed the rate so specified and for the years therein specified, and such tax shall be in addition to taxes now or hereafter authorized for any other County purposes and shall not be subject to any limitation for taxes as now or hereafter fixed by law, except as herein specified and except as specified in the Constitution of this State, and the amount to be extended for such purpose shall not be included in computing any limitation for tax extensions. All acts and proceedings heretofore had, done or taken in connection with the authorization of such levy are hereby validated. In all cases where any County shall hereafter seek to ascertain the will of the voters on such proposition same may be done by separate ballot, at any general election, or at a special election called for that purpose, in like manner and with like notice as in the case of other County elections.

S.H.A. 34 § 175k; J.A. 33.207.

TUBERCULOSIS SANITARIUM DISTRICTS, II.

AN ACT in relation to the establishment and maintenance of tuberculosis sanitarium districts. [Approved July 22, 1939. L. 1939, p. 988, H. B. No. 633.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

175.1. TUBERCULOSIS SANITARIUM DISTRICTS—INCORPORATION.] §

1. Any two or more contiguous counties may be incorporated as a tuberculosis sanitarium district in the manner following: Any ten per cent (10%) of the legal voters residing within such counties may petition the county judge of the county having the greater or greatest number of inhabitants as determined by the last preceding federal census, to cause the question to be submitted to the legal voters of the proposed district, whether they will organize as a tuberculosis sanitarium district under this Act. Such petition shall contain the name of such proposed tuberculosis sanitarium district and a description of the counties to be embraced therein; provided that no county which has established a tuberculosis sanitarium under the provisions of "An Act to provide for the creation and management of tuberculosis sanitarium districts," approved May 21, 1937, shall be included within the territory intended to be embraced within any tuberculosis sanitarium district under this Act.

175.2. Board of commissioners—Membership—Duty to fix boundaries—Hearings.

175.3. Election on question of establishing district.

175.4. Election of corporate officers.

175.5. Vacancies in office—Filling.

175.6. Judicial notice of districts—Oath—Organization completed when—Powers.

- 175.7. Board of Trustees—Powers—Sanitarium branches, etc.
- 175.8. Trustees—Additional powers—Salaries and expenses.
- 175.9. Use of sanitariums—Rules and regulations.
- 175.10. Donations, receipt of.
- 175.11. Donations, bequests and devises, giving of.
- 175.12. Rules and regulations governing sanitarium.
- 175.13. Physicians' privileges.
- 175.14. Ordinances.
- 175.15. President of Board—Powers and duties.
- 175.16. Taxation—Borrowing money—Bonds—Taxes levied for each year limited to five mills on each dollar of the assessed value of taxable property.

S.H.A. 34 § 175.16; J.A. 33.185(30).

EMERGENCY MEDICAL TREATMENT

AN ACT requiring hospitals to render emergency medical treatment or first aid in cases of accident or injury. [Approved July 11, 1927. L. 1927, p. 403.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

86. HOSPITALS TO FURNISH FIRST AID.] § 1. No hospital, either public or private where surgical operations are performed, operating in this State shall refuse to give emergency medical treatment or first aid to any applicant who applies for the same in case of accident or injury where the same shall be liable to cause death or severe injury. S.H.A. 111½ § 86; J.A. 37.296.

87. PENALTY FOR VIOLATION.] § 2. Any such hospital violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for each offense, which fine shall be paid into the general corporate funds of the city, incorporated town, or village in which the hospital is located, or of the county, in case such hospital is outside the limits of any incorporated municipality. S.H.A. 111½ § 87; J.A. 37.297.

MISCELLANEOUS

RABIES AMONG DOGS

AN ACT to prevent the spread of rabies. [Approved July 8, 1927. L. 1927, p. 27.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

23a. "DOG" DEFINED.] § 1. For the purposes of this Act the term "dog" includes all animals of the canine species, both male and female.
S.H.A. 8 § 23a; J.A. 5.126.

23b. PREVENTATIVE MEASURES BY DEPARTMENT OF AGRICULTURE.] § 2. Whenever a case of rabies has occurred in a locality the Department of Agriculture shall have power, and it shall be its duty, to prevent the spread of rabies among dogs and other animals. The Department of Agriculture shall have power to order that all dogs in the locality be:

1. Kept confined within an enclosure from which escape is impossible, or

2. Kept muzzled and restrained by a leash composed of chain or other indestructible material, or

3. To further order all owners of or keepers of dogs to take such prophylactic measures, as the Department of Agriculture may deem necessary, to prevent the spread of rabies.

The Department of Agriculture shall have power to determine the area of the locality and the duration of the period of time to which the above requirements shall apply. [As amended by act approved July 8, 1933. L. 1933, p. 33.]
S.H.A. 8 § 23b; J.A. 5.127.

23c. ENFORCEMENT OF DEPARTMENT ORDERS.] § 3. Any or all the orders of Section 2 of this Act which may be ordered by the Department of Agriculture shall be at the expense of the owner or keeper of such dog, and if the owner or keeper fails or refuses to comply with the orders of the Department of Agriculture, he is guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and the police officers, sheriffs, constables or marshals may kill such dog. [As amended by act approved July 8, 1933. L. 1933, p. 33.]
S.H.A. 8 § 23c; J.A. 5.128.

23d. FAILURE TO ENFORCE ACT, PENALTY.] § 4. Any officers failing, refusing or neglecting to carry out the provisions of this Act shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars.
S.H.A. 8 § 23d; J.A. 5.129.

VENEREAL DISEASE EXAMINATIONS BEFORE MARRIAGE

GENERAL PROVISIONS

AN ACT to revise the law in relation to marriages. [Approved February 27, 1874. R. S. 1874, p. 694.]

1. WHEN ILLEGAL.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter marriages between parents and children including grandparents and grandchildren of every degree, between brothers and sisters of the half, as well as of the whole blood, between uncles and nieces, aunts and nephews, and between cousins of the first degree are declared to be incestuous and void. This section shall extend to illegitimate, as well as legitimate children and relations. [As amended by act approved June 15, 1887. L. 1887, p. 225.] S.H.A. 89 § 1; J.A. 78.01.

Remarriage after divorce, see Divorce, ch. 40, § 2, ante.

Falsely impersonating another in marriage, see Criminal Code, ch. 38, § 263, ante.

Effect of female ward marrying, see Guardian and Ward, ch. 64, § 42, ante.

Incest, see Criminal Code, ch. 38, § § 374, 375, 587, ante.

A void marriage is good for no legal purpose, and its invalidity may be shown in any court between any parties, either in lifetime of parties thereto or after their death. *Jardine v. Jardine*, 291 A. 152, 9 N. E. 2d 645.

6a. EXAMINATION FOR VENEREAL DISEASE—CERTIFICATE OF PHYSICIAN—CLERKS DUTIES AS TO MARRIAGE LICENSE.] § 6a. All persons making application for a license to marry shall at any time within fifteen (15) days prior to such application be examined by a physician duly licensed in this State as to the existence of or freedom from any venereal disease, and, except as or otherwise herein provided, it shall be unlawful for the county clerk of any county to issue a license to marry to any person who fails to present for filing with such county clerk a certificate signed by such physician setting forth that such person to the proposed marriage is free from venereal diseases as nearly as can be determined by a thorough physical examination and such standard microscopic and serological tests as are necessary for the discovery of venereal diseases. If, on the basis of negative laboratory and clinical findings the physician in attendance finds no evidence of venereal diseases, he shall issue a certificate to that effect to the examinee, which certificate shall read as follows, to-wit:

I, (Name of Physician)
 being a physician, legally licensed to practice in the State of.....
 (my credentials being filed in the office of.....
 in the City of.....County of.....
 State of.....) do certify that I did on the.....
 day of.....19..... make a thorough examination of
and considered the result
 of a microscopical examination for gonococci and an approved sero-

logical test for syphilis, which was made at my request, and believe
to be free from all venereal diseases.

.....
 Signature of Physician.

Such certificate of negative findings as to each of the parties to a proposed marriage to which laboratory reports of microscopical examinations of smears from the genitalia for the gonococcus of gonorrhea and serologic tests for syphilis are attached, shall be filed with the county clerk of the county wherein the marriage is to be solemnized at the time application is made for a license to marry. Laboratory tests for venereal diseases required hereunder shall be tests approved by the State Department of Public Health and shall be made by laboratories of said Department or by such other laboratories as are approved by said Department. Such tests as may be made by the health departments of cities, villages and incorporated towns maintaining laboratories shall be free of charge. The results of all laboratory tests shall be reported on standard forms prescribed by the State Department of Public Health.

Irrespective of the results of laboratory tests and clinical examination, the clerks of the respective counties shall issue a marriage license to parties to a proposed marriage (a) when the woman is pregnant at the time of such application, and (b) when the woman has, prior to the time of application, given birth to an illegitimate child which is living at the time of such application and the man making such application makes affidavit that he is the father of such illegitimate child. The county clerk shall, in lieu of the health certificate required hereunder, accept, as the case may be, either an affidavit on a form prescribed by the State Department of Public Health, signed by a physician duly licensed in this State, stating that the woman is pregnant, or a copy of the birth record of the illegitimate child, if one is available in this State, or if such birth record is not available, an affidavit signed by the woman that she is the mother of such child.

Also irrespective of the results of laboratory tests and clinical examination, the clerks of the respective counties shall issue a marriage license to parties to a proposed marriage when, after investigation, the Director of the State Department of Public Health, or his duly authorized representative, issues or causes to be issued a certificate that such marriage may be consummated without serious danger to the health of either party to the proposed marriage or to any issue of such marriage.

Any county clerk who shall unlawfully issue a license to marry to any person who fails to present for filing the certificate provided for in this Act or who shall refuse to issue a license to marry to any person legally entitled thereto under this Act, or any physician who shall knowingly and wilfully make any false statement in the certificate, or any party or parties having knowledge of any matter relating or pertaining to the examination of any applicant for license to marry, who shall disclose the same, or any person thereof, except as may be required by law, shall upon proof thereof be punished by a fine of not less than \$100.00 nor more than \$500.00 for each and every offense.

Any person who shall obtain any license to marry contrary to the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than \$100.00 or by imprisonment in the county jail for not less than three (3) months or by both such fine and imprisonment.

Any license to marry issued hereunder, shall be void thirty (30) days after the date thereof. As amended by act filed July 29, 1939. L. 1939, p. 706, H. B. No. 1090.

S.H.A. 89 § 6a; J.A. 78.06(1).

Section added: L. 1937, p. 910.

PREVENTION OF BLINDNESS OF NEWLY BORN INFANTS

AN ACT for the prevention of blindness from ophthalmia neonatorum; defining ophthalmia neonatorum; designating certain powers and duties and otherwise providing for the enforcement of this act. [Approved June 24, 1915. L. 1915, p. 366.]

106. EYE DISEASES IN INFANT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any diseased condition of the eye, or eyes of any infant in which there is any inflammation, swelling or redness in either one or both eyes of any such infant, either apart from or together with any unnatural discharge from the eye, or eyes of such infant, at any time within two weeks after the birth of such infant, shall, independent of the nature of the infection, be known as ophthalmia neonatorum. S.H.A. 91 § 106; J.A. 19.043.

107. ATTENDING PHYSICIAN, ETC., TO MAKE REPORT.] § 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital, of any nature or parent assisting in any way whatsoever, any woman at childbirth, or assisting in any way whatsoever any infant, or the mother of any infant, at any time within two weeks after childbirth, observing or having a reasonable opportunity to observe the condition herein defined, and within six hours thereafter, to report in writing or by telephone followed by a written report such fact to the local health authorities of the city, town, village or other political division as the case may be, in which the mother of any such infant may reside: Provided, that such reports and the records thereof shall be deemed privileged information and shall not be open to the public. S.H.A. 91 § 107; J.A. 19.044.

108. MATERNITY HOMES, ETC.—DUTIES OF PHYSICIANS AND MIDWIVES.] § 3. It is the duty of all maternity homes and any and all hospitals or places where women resort for purposes of childbirth, to post and keep posted in conspicuous places in their institution, copies of this act, and to instruct persons professionally employed in such homes, hospitals and places regarding their duties under this act, and to maintain such records of cases of ophthalmia neonatorum in the manner and form prescribed by the Department of Public Health.

It shall be the duty of any physician, midwife or nurse who attends or assists at the birth of a child, to instill or have instilled in each eye of the new born baby, as soon as possible and not later than one hour after birth, a one per cent (1%) solution of silver nitrate or some other equally effective prophylactic for the prevention of ophthalmia neonatorum approved by the State Department of Public Health. [As amended by act approved April 20, 1933. L. 1933, p. 714.]
S.H.A. 91 § 108; J.A. 19.045.

109. DUTIES OF LOCAL HEALTH OFFICER.] § 4. It shall be the duty of the local health officer:

(1) To investigate, in so far as that can be done without entering into the home or interfering with the child in any way without first securing the consent of the parents or guardian of such child, and each case of ophthalmia neonatorum reported to him in compliance with this law, and any other such case as may come to his attention.

(2) To report all cases of ophthalmia neonatorum and the results of all such investigations as he may make, to the State Board of Health in the manner and form prescribed by said board.
S.H.A. 91 § 109; J.A. 19.046.

110. DUTIES OF STATE BOARD OF HEALTH.] § 5. It shall be the duty of the State Board of Health:

(1) To enforce the provisions of this act;

(2) To provide for the gratuitous distribution of a scientific prophylactic for ophthalmia neonatorum, together with proper directions for the use and administration thereof, to all physicians and midwives authorized by law to attend at the birth of any child;

(3) To have printed and published for distribution throughout the State advice and information concerning the dangers of ophthalmia neonatorum and the necessity for the prompt and effective treatment thereof;

(4) To furnish similar advice and information, together with copies of this law, to all physicians, midwives, and others authorized by law to attend at the birth of any child;

(5) To prepare appropriate report blanks and to furnish same to all local health officers for distribution to physicians and midwives free of charge;

(6) To report any and all violations of this act to the prosecuting attorney of the district wherein said violation may have been committed.

S.H.A. 91 § 110; J.A. 19.047.

111. COLLUSION TO MISSTATE OR CONCEAL FACTS.] § 6. Any collusion between any official and any person, or between any others herein named, to misstate or conceal any facts which under this act are essential to report correctly any case of ophthalmia neonatorum, shall likewise constitute a misdemeanor, and any person upon conviction thereof, shall suffer a penalty such as is hereinafter provided.
S.H.A. 91 § 111; J.A. 19.048.

112. STATE'S ATTORNEY TO PROSECUTE.] § 7. It shall be the duty of the State's Attorney for the proper district to prosecute for all misdemeanors as herein prescribed.
S.H.A. 91 § 112; J.A. 19.049.

113. PENALTY.] § 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars, or be imprisoned in the county jail not to exceed six months, or both, in the discretion of the court. [As amended by act approved April 20, 1933. L. 1933, p. 714.]
S.H.A. 91 § 113; J.A. 19.050.

[§ 9. Repeal.]

PRENATAL BLOOD TESTS FOR SYPHILIS

AN ACT concerning blood tests for pregnant women for the purpose of preventing prenatal syphilis. [Filed July 21, 1939. L. 1939, p. 708, H. B. No. 391.]

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

113a. BLOOD TESTS FOR PREGNANT WOMEN, AS TO SYPHILIS.] § 1. Every physician, or other person, attending in a professional capacity a pregnant woman in Illinois, shall take or cause to be taken a sample of blood of such woman at the time of the first examination. Said blood specimen shall be submitted to a laboratory approved by the State Department of Public Health for a serological test for syphilis approved by the State Department of Public Health. In the event that any such blood test shall show a positive or doubtful result a second test shall be made. Such serological test or tests shall, upon request of any physician in the State, be made free of charge by the State Department of Public Health or the Health Department of cities, villages and incorporated towns maintaining Health Departments.
S.H.A. 91 § 113a; J.A. 58.59.

113b. BIRTH CERTIFICATES, STATEMENTS AS TO SUCH BLOOD TESTS.] § 2. In reporting every birth or stillbirth, physicians and others required to make such reports shall state on the birth certificate or stillbirth certificate, as the case may be, whether a blood test for syphilis has been made upon a specimen of blood taken from the woman who bore the child for which a birth or stillbirth certificate is filed, together with the date when the blood specimen was taken and the name of the laboratory making the test. In no event shall the birth or stillbirth certificate state the result of the test.
S.H.A. 91 § 113b; J.A. 58.60.

113c. STATE DEPARTMENT OF HEALTH TO ADMINISTER ACT CONCERNING BLOOD TESTS FOR PREGNANT WOMEN.] § 3. This act shall be administered by the State Department of Public Health.
S.H.A. 91 § 113c; J.A. 58.61.

WASHROOMS

AN ACT to provide for washrooms in certain employments to protect the health of employes and secure public comfort. [Approved June 26, 1913. L. 1913, p. 359.]

98. TO WHAT ACT APPLIES.] § 1. Every owner or operator of a coal mine, steel mill, foundry, machine shop, railroad, or other like business in which employees become covered with grease, smoke, dust, grime and perspiration to such extent that to remain in such condition after leaving their work without washing and cleansing their bodies and changing their clothing, will endanger their health or make their condition offensive to the public, shall provide and maintain a suitable and sanitary washroom, with an adequate quantity of soap containing bland non-irritating detergents which effectively cleanse the skin, at a convenient place where employees are required to report for duty or are relieved from duty, in or adjacent to such mine, mill, foundry, shop, railroad or other place of employment for the use of such employees. [As amended by act approved July 9, 1937. L. 1937, p. 1556 (S. B. No. 15).]

S.H.A. 48 § 98; J.A. 45.076.

Prior amendment: L. 1931, p. 575.

Act is constitutional and valid as a police regulation applied to the conditions of such places of employment where employees become so dirty and sweaty as to necessitate washing and change of clothing after work, for the protection of their own and the public health. *P. v. Cleveland, C. C. & St. L. Ry. Co.*, 288—523, 123 N. E. 579, rev'd 212 A. 557.

99. ARRANGEMENT, NUMBER AND HOW PROVIDED.] § 2. Such wash room shall be so arranged that employees may change their clothing therein, and shall be sufficient for the number of employees engaged regularly in such employment; shall be provided with lockers or hangers in which employees may keep their clothing; shall be provided with an adequate supply of safe, clean and potable water satisfactory for drinking purposes dispensed in a sanitary manner, and with an adequate supply of safe, clean, hot and cold water satisfactory for shower and bathing purposes and with sufficient and suitable places and means for using the same; and provided with a sufficient number of showers for the use of employees who regularly use said wash room; and during cold weather shall be sufficiently heated. The floor space necessary for the men to dress in such wash room shall not be less than seven square feet per man regularly dressing in such wash room at any one time. [As amended by act approved July 9, 1937. L. 1937, p. 599 (H. B. No. 788).]

S.H.A. 48 § 99; J.A. 45.077.

Prior amendments: L. 1921, p. 445; L. 1919, p. 537.

100. INSPECTION BY PROPER AUTHORITIES—INSPECTOR MAY CLOSE.] § 3. It shall be the duty of the State and county mine inspectors, factory inspectors and other inspectors required to inspect places and kinds of business required by this act to be provided with wash rooms, to inspect such wash rooms and report to the owner or operator, the sanitary and physical condition thereof in writing, and make recommendations as to such improvements or changes as may appear to be

necessary for compliance with the provisions of this act. Any inspector shall have the authority to lock and close any washroom found to be conducted in violation of this Act, and may institute proceedings to enforce the penalty provided in Section 4.¹ [As amended by act approved July 9, 1937. L. 1937, p. 1556 (H. B. No. 788.))]
S.H.A. 48 § 100; J.A. 45.078.

101. PENALTY FOR VIOLATION.] § 4. Any owner or employer who shall fail or refuse to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than two hundred dollars. [As amended by act approved July 9, 1937. L. 1937, p. 600 (H. B. No. 788.))]
S.H.A. 48 § 101; J.A. 45.079.

102. SUCCEEDING OFFENSES.] § 5. Any owner or employer who shall be convicted of a violation of the provisions of this act shall be subject to a conviction for succeeding offenses for each and every day he shall neglect or refuse to comply herewith.
S.H.A. 48 § 102; J.A. 45.080.

COUNTY SUPERVISORS AND COUNTY PHYSICIANS

AN ACT to revise the law in relation to paupers. [Approved March 23, 1874. R. S. 1874, p. 754.]

1. WHO LIABLE TO SUPPORT.] § 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every poor person who shall be unable to earn a livelihood in consequence of any bodily infirmity, idiocy, lunacy, or other unavoidable cause, shall be supported by the father, grandfather, mother, grandmother, children, grandchildren, brothers or sisters of such poor person, if they, or either of them, be of sufficient ability: Provided, that when any persons become paupers from intemperance, or other bad conduct, they shall not be entitled to support from any relation, except parent or child.
S.H.A. 107 § 1; J.A. 98.01.

29. POWERS OF COUNTY BOARD.] § 28. The county board of each county in this State shall have power:

(1) To acquire in the name of the county by purchase, grant, gift or devise, a suitable tract or tracts of land upon which to erect and maintain a county poor house and other necessary buildings in connection therewith, and for the establishment and maintenance of a farm for the employment of the poor, and to erect and maintain such buildings and establish and maintain such farms, but they shall not expend for the purchase of any such land or the erection of any such buildings a sum exceeding three thousand dollars (\$3,000.00) without a two-thirds majority vote of all the members of the county board.

¹ Section 101 of this chapter.

Any such county shall have power to contract with another county or counties jointly to secure by purchase or otherwise, necessary lands, and erect and maintain a poor house and other necessary buildings for the maintenance of the poor of such counties.

(2) To receive in the name of the county gifts, devises and bequests to aid in the erection or maintenance of the poor house, or in the care and support of poor and indigent persons.

(3) To make all proper rules and regulations for the management of the county poor house and poor farm and of the inmates of the poor house. Provided, that no such poor farm shall be let or rented upon the principle of the highest bid for the use of the land and the lowest bid for the maintenance of the county charges or upon any plan which may tend to the detriment or neglect of the inmates or the waste or deterioration of the property, but shall be conducted by the county only through its officers, agents or representatives.

(4) To appoint a keeper of the poor house and all necessary agents and servants for the management and control of the poor house and farm and prescribe their compensation and duties.

(5) To appoint a county physician and prescribe his compensation and duties.

(6) To appoint an agent to have the general supervision and charge of all matters in relation to the care and support of the poor and prescribe his compensation and duties.

All poor houses, poor farms and institutions provided and maintained by counties for the support and care of paupers shall be known as county homes. [As amended by act filed July 11, 1935. L. 1935, p. 1055.]

S.H.A. 107 § 29; J.A. 98.31.

Prior amendments: L. 1919, p. 698; L. 1917, p. 638.

POWERS OF CITY COUNCILS AND VILLAGE BOARDS RELATIVE TO SANITARY CONDITIONS AND NUISANCES

AN ACT to provide for the incorporation of cities and villages, approved April 10, in force July 1, 1872. *Laws of 1871-2, p. 218. Smith-Hurd Revised Statutes, 1925, Chap. 24, pages 315-320.*

Article V, § 1. The city council in cities, and the president and the board of trustees in villages, shall have the following powers:

§ 13. To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however,* that any company heretofore organized under the general laws of this State, or any association of persons organized or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right by consent of the common council (subject to existing rights), to erect gas factories and lay down pipes in the streets or alleys of any city or village in this State, subject to such regulations as any such city or village may by ordinance impose.

§ 15. To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground.

§ 27. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains sewers and culverts along and under their railroad tracks so that filthy or stagnant pools of water can not stand on their grounds or right-of-way, and so that the natural drainage of adjacent property shall not be impeded.

§ 29. To construct and keep in repair culverts, drains, sewers and cesspools and to regulate the use thereof.

§ 30. To deepen, widen, dock, cover, wall, alter or change channel of watercourses.

§ 40. To provide for the cleansing and purification of waters, watercourses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

§ 49. To establish markets and market-houses, and provide for the regulation and use thereof.

§ 50. To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

§ 52. To regulate the sale of bread in the city or village; prescribe the weight and quality of bread in the loaf.

§ 53. To provide for, and regulate the inspection of meat, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

§ 57. To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

§ 75. To declare what shall be a nuisance, and to abate the same; and to impose upon parties who may create, continue or suffer nuisances to exist.

§ 76. To appoint a board of health, and prescribe its powers and duties.

§ 77. To erect and establish hospitals and medical dispensaries and to regulate hospitals, medical dispensaries, sanatoria and undertaking establishments, and to direct the location thereof.

§ 78. To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

§ 79. To establish and regulate cemeteries within or without the corporation, and acquire lands therefor by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

§ 81. To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village limits, and within the distance of one mile without the city or village limits.

§ 82. To direct the location and regulate the use and construction of breweries, distilleries, livery, boarding or sale stables, blacksmith shops, foundries, machine shops, garages, laundries, and bathing beaches, within the limits of the city or village.

§ 83. To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

§ 84. To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

§ 89. The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right-of-way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company the city shall restore such railroad track, right-of-way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

LAW RELATING TO PUBLIC NUISANCES

(See Smith-Hurd's Revised Statutes 1933, Chap. 38, Sec. 221 and 222, page 1067)

NOTE: The State's Attorneys of counties are the State officials authorized to enforce this law. The State Department of Public Health has no authority for enforcement.

§ 221. *It is a public nuisance:*

1. To cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected, deposited or to remain in any place, to the prejudice of others.

2. To throw or deposit any offal or other offensive matter, or the carcass of any dead animal, in any watercourse, lake, pond, spring, well or common sewer, street or public highway.

3. To corrupt or render unwholesome or impure the water of any spring, river, stream, pond or lake, to the injury or prejudice of others.

4. To obstruct or impede, without legal authority, the passage of any navigable river or waters.

5. To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

6. To carry on the business of manufacturing gunpowder, nitro-glycerine, or other highly explosive substances, or mixing or grinding the materials therefor, in any building within twenty rods of any valuable building erected at the time such business may be commenced.

7. To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within fifty rods of any occupied dwelling house.

8. To erect, continue or use any building or other place for the exercise of any trade, employment or manufacture, which by occasioning noxious exhalations, offensive smells or otherwise, is offensive or dangerous to the health of individuals, or of the public.

9. To advertise wares or occupation by painting notices of the same on, or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities: Provided, that nothing in this section contained shall be construed to prevent the municipal authorities of any incorporated city, town or village from declaring what shall be nuisances, and abating the same within their limits.

Penalties:

§ 222. Whoever causes, erects or continues any such nuisance shall, for the first offense, be fined not exceeding \$100, and for a subsequent offense shall be fined in a like amount, and confined in the county jail not exceeding three months. Every such nuisance, when a conviction therefor is had in a court of record may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant, and it shall be no defense to any proceeding under this section, that the nuisance is erected or continued by virtue or permission of any law of this State.

SCHOOL HEALTH LAWS

Chapter 122. AN ACT to establish free schools*** [approved 1909—amended 1939.]

123. POWERS OF DIRECTORS.] § 115. The board of school directors shall be clothed with the following powers:

Fourteenth—To establish classes of one or more pupils for the instruction of crippled children over the age of six and under twenty-one years.

Fifteenth—To establish classes for the instruction of deaf children over the age of three and under twenty-one years; Provided, however, that no person shall be employed to teach the deaf who shall not have received instruction in the methods of teaching the deaf for a term of not less than one year.

Nineteenth—To employ dentists and furnish their professional services free of charge, for the examination of the teeth of the pupils of the school, and for any necessary work to be done in same, when, and only when, such examination or examinations and work is first requested or consented to in writing by the parent or parents, or legal guardian of the pupil to be so examined or worked upon, said request or consent to be signed by said parent or parents, or legal guardian.

Twenty-first—To establish and maintain a properly equipped first aid room with a competent nurse in charge thereof in any school in which the said board deems it necessary, to assist the children of such school in case they are sick or are injured. The assistance shall be rendered only at the school, and the nurse shall not interfere with the children in their homes; nor shall said nurse attempt to render assistance to, or in any way interfere with any child or children, either at the school or elsewhere, without the consent of said child or children and the teacher immediately in charge of said child or children, or over the objection thereto of the parent or parents or guardian or guardians of said child or children.

Twenty-second—To employ a physician and surgeon and define his duties.

Twenty-third—To purchase textbooks and rent the same to the pupils of the school. [as amended by act approved July 9, 1937. L. 1937, p. 1116.]

S.H.A. 122 § 123; J.A. 123. 130.

Prior amendments: L. 1927, pp. 815, 817, 819, 821; L. 1925, p. 567.

Schools for deaf and blind, see §§ 675, 685, post.

Visitation and instruction of blind, see Charities, ch. 23, §§ 38-38b, ante.

Schools for crippled children, see §§ 685a-685i, post.

Schools for delinquent children, see §§ 686-693, post.

The board of school directors cannot exercise any power except in the manner provided by statutes. *Carter Oil Co. v. Liggett*, Sup., 21 N.E.2d 569.

127. ERECTION, ETC., OF SCHOOL BUILDINGS.] § 119. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months without a vote of the people at an election called and conducted as required by Section 198 of this act. A majority of the votes cast shall be necessary to authorize the directors to act. If no locality shall receive a majority of the votes, the directors may select a suitable site. The site selected by either method shall be the school site for such district.

Before erecting or remodeling a public school building the board of directors or the board of education in districts containing fewer than 100,000 inhabitants, shall submit the plans and specifications respecting heating, ventilation, lighting, seating, water supply, toilets and safety against fire to the county superintendent of schools for his approval. [As amended by act approved June 25, 1915. L. 1915, p. 635.]

S.H.A. 122 § 127; J.A. 123. 134.

Section 198 of this act, referred to, see § 221, post.

3. DUTIES OF SUPERINTENDENT.] § 3. The duties of the Superintendent of Public Instruction shall be:

First—To have his office at the seat of government, and to keep a record of all matters pertaining to the business of his office.

Thirteenth—To prepare with the advice of the state board of health, the state architect and the state fire marshal, for school directors and boards of education specifications for the minimum requirements for the heating, ventilation, lighting, seating, water supply, toilet and safety against fire which will conserve the health and safety of the children attending the public schools. [As amended by act approved July 2, 1923. L. 1923, p. 575.]
S.H.A. 122 § 3; J.A. 123. 003.

Prior amendment: L. 1915, p. 635.

PLAYGROUNDS

Act of June 25, 1917

- § 339. Play grounds established.
- § 340. Not required to be contiguous.
- § 340a. Supervision and management.
- § 341. Police control.

Act of June 28, 1921

- § 342. In certain cities.
- § 343. Tax levy.
- § 343a. Anticipation warrants.
- § 343b. Emergency.

PHYSICAL EDUCATION AND TRAINING

Act of June 25, 1915

- § 521. Physical education and training courses in all schools receiving support from the state.
- § 522. Boards of education must make provision.
- § 522a. Purpose of courses.
- § 523. Normal schools shall provide regular course of training for teachers.

MORAL AND HUMANE EDUCATION

Act of June 14, 1909

- § 524. Duties of teachers.
- § 525. Time devoted.
- § 526. Experiments upon animals.
- § 527. Programs for annual meetings.
- § 528. Reports—penalty.

SCHOOLS FOR DEAF AND BLIND

Act of April 23, 1929

- § 675. School authorities authorized to maintain.
- § 676. Acquisition of school sites.
- § 677. Administration—teachers, etc.
- § 678. Non-resident children, tuition, transportation.
- § 679. Qualifications of teachers—age and mentality of pupils.
- § 680. Reports to Department of Public Welfare—excess cost.
- § 681. State to pay excess cost—limitation.
- § 682. Supervision.
- § 682a. Issuance of warrants.

EDUCATION OF DEAF AND BLIND CHILDREN

Act of June 28, 1917

- § 683. Duty of parent or guardian.
- § 684. Expense.
- § 685. Neglect—penalty.

SCHOOLS FOR CRIPPLED CHILDREN

Act of June 19, 1923

- § 685a. Establishment authorized.
- § 685b. Management.
- § 685c. Crippled children's instruction fund.
- § 685d. Qualifications of teachers.
- § 685e. Report of expenses.
- § 685f. Excess cost to be paid by state.
- § 685g. "Crippled child" defined.
- § 685h. Superintendent of Public Instruction to supervise.
- § 685i. Auditor authorized to issue warrants.

TEACHING OF HYGIENE

Act of June 12, 1909, resumed

297. INSTRUCTION ON NATURE OF ALCOHOLIC DRINKS, ETC.]
 § 273. The nature of alcoholic drinks and other narcotics and their effects on the human system shall be taught in connection with the various divisions of physiology and hygiene, as thoroughly as are other branches, in all schools under state control, or supported wholly or in part by public money, and also in all schools connected with reformatory institutions. All pupils in the above mentioned schools, below the second year of the high school and above the third year of school work, computing from the beginning of the lowest primary year, or in corresponding classes of ungraded schools, shall be taught and shall study this subject every year from suitable text books in the hands of all pupils, for not less than four lessons a week for ten or more weeks of each year, and must pass the same tests in this as in other studies. In all schools above mentioned all pupils in the lowest

three primary school years, or in corresponding classes in ungraded schools, shall each year be instructed in this subject orally for not less than three lessons a week for ten weeks in each year, by teachers using text books adapted for such oral instruction as a guide and standard. The local school authorities shall provide needed facilities and definite time and place for this branch in the regular courses of study. The text books in the pupils' hands shall be graded to the capacity of the fourth year, intermediate, grammar and high school pupils, or to corresponding classes as found in ungraded schools. For students below high school grade such text books shall give at least one-fifth their space, and for students of high school grade shall give not less than twenty pages to the nature and effects of alcoholic drinks and other narcotics. The pages on this subject, in a separate chapter at the end of the book, shall not be counted in determining the minimum. In all normal schools, teachers' training classes and teachers' institutes, adequate time and attention shall be given to instruction in the best methods of teaching this branch, and no teacher shall be licensed who has not passed a satisfactory examination in this subject and the best methods of teaching it. Any school officer or officers who shall neglect or fail to comply with the provisions of this section shall forfeit and pay for each offense the sum of not less than five dollars nor more than twenty-five dollars. S.H.A. 122 § 297; J.A. 123. 366.

PHYSICAL EXAMINATION

Attorney General's opinions on physical examinations in public schools. 1919-20 p. 773; 1921-22 p. 221; 1923-24 pp. 392-346; 1925 pp. 268-378; 1929 p. 99; 1933 p. 599.

COMPULSORY VACCINATION

The statutes of Illinois do not touch on the subject of compulsory vaccination against smallpox, however, the Supreme Court of Illinois has held that an order of a board of health or board of education, requiring the exclusion of unvaccinated children from schools, when smallpox exists in the community or vicinity, is legal and enforceable. If this power may be exercised by a department of a municipality, the authority of a municipality to require such exclusion by ordinance, when smallpox exists in the community or vicinity, can hardly be questioned. The order of the board of health or board of education of a municipality can apply only to the schools within the limits of the municipality. When smallpox exists in country districts, outside of municipalities, the order for the exclusion of unvaccinated children should come from the township board of health in counties under township organization or from the county board of health in counties not under township organization or from the board of directors of school districts in a township or precinct. (Manual and Outline of Procedure for Health Officers—1937) State Dept. of Public Health.

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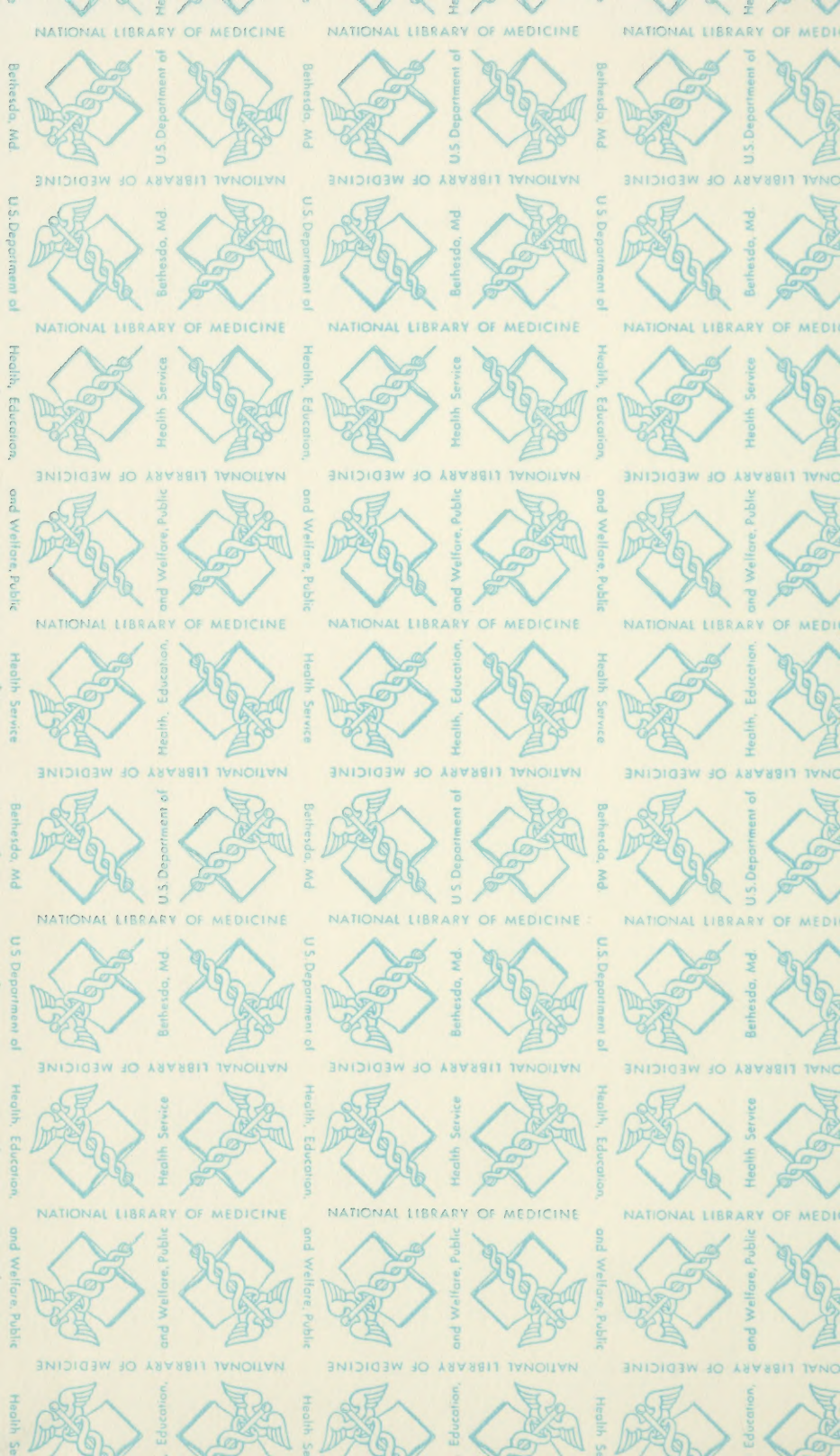
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